

**RESOLUTION NO. 2016-52**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 8(B) OF THE COMMISSION MEETING AND AGENDA PROCEDURES PERTAINING TO THE ORDER OF THE AGENDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

**WHEREAS**, the Village Commission desires to amend the Meeting and Agenda Procedures by changing the order of the agenda to provide for more efficient meetings and to allow for public participation earlier in the meetings; and

**WHEREAS**, the Village Commission finds that the amendment of these procedures is in the best interest of North Bay Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:**

**Section 1.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

**Section 2.** Section 8B of the Village Commission Meeting and Agenda Procedures are hereby amended as follows as indicated by strikethrough and underlining.

**1. Regular meetings; notice.**

A. *Meetings.* The Village Commission shall hold one regular meeting per month on the second Tuesday at 7:30 pm, unless the Commission, by majority vote, elects not to have a regular meeting in the month of July or the month of August for the purposes of allowing summer vacations.

The Village Commission may hold a second regular meeting each month, called by the Village Manager or Acting Village Manager whenever in his or her opinion the public business may require it or at the express written request of the Mayor or any two members of the Commission, as necessary for the orderly conduct of Village business. Quasi judicial matters, as defined in Chapter 29, Section 29.02(a) of the Code of Ordinances,<sup>1</sup> may be heard at any regular or special meeting of the Commission.

(B) *Notice.* Notice of each regular meeting of the Village Commission shall be published at least four days prior to such meeting in a newspaper of general circulation within the Village and made in any other manner deemed appropriate by the Village Manager.

- (1) Pending notices of meetings of the Civil Service and Planning and Zoning Boards shall be included in such notices without time limitation.
- (2) The Village Manager shall also maintain signs on the public right-of-way, announcing such meetings prior to 8:00 a.m. on the day of each meeting, and notice of all commission meetings and boards shall be posted in a conspicuous place in Village Hall at least 24 hours before said meeting.

## **2. Special meetings.**

As provided in Section 30.03 of the Code of Ordinances, the Village Manager or Acting Village Manager shall call special meetings of the Village Commission whenever in his or her opinion the public business may require it or at the express written request of any two members of the Commission. Whenever a special meeting shall be called, a notice in writing signed by the Village Manager or Acting Village Manager shall be served on each member of the Commission either in person or by notice left at his place of residence, stating the date and hour of the meeting and the purpose for which the meeting is called, and no business shall be transacted thereat, except such as is stated in the notice.

## **3. Meetings open to the public.**

All meetings of the Village Commission shall be open to the public pursuant to the "Government in the Sunshine Law."

## **4. Workshop Meetings.**

The Village Commission may meet at least once every three months in a workshop to be conducted as a public meeting, but without public comment, except as public comment may be permitted by the Chair or majority vote of the Village Commissioners present. Additionally, the Village Commission may call additional workshop meetings as needed. A workshop may be recessed to a later date certain which is announced at the workshop. The Village Commission shall discuss the agenda items and provide feedback, but shall not take action at workshops. The Village Manager shall attend the workshop, prepare an agenda with appropriate backup, and assure that relevant staff persons are present for the items on the agenda. The Village Attorney shall attend workshops.

**5. Agenda.**

- A. *Agenda items.* All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Village Commission shall be delivered to the Village Manager no later than ten (10) business days prior to the scheduled Commission Meeting and shall be accompanied by, or in the form of, a signed memorandum from the party submitting the materials. No additional items shall be added to the agenda after the agenda closing date unless it is deemed to be an emergency as provided below. All agenda items, including materials in support of the agenda item, are to be submitted to the Village Attorney, the Finance Director, and the Village Planner, if required, for review and submittal of their recommendation to the Village Manager. The final agenda shall be distributed to the members of the Village Commission no later than five (5) business days prior to the Village Commission meeting. Matters of an urgent or emergency nature may be presented to the Commission without strictly complying with these requirements, and such emergency matters shall be heard by the Village Commission if a majority of the Commission approves.
- B. *Who may place.* The Mayor, Village Commissioners, Village Manager, and Village Attorney are authorized to place matters on the agenda of the Village Commission Meeting for discussion and/or approval by the Village Commission.
- C. *Manager meeting with Commissioners.* The Village Manager shall make available an opportunity for an individual meeting with each member of the Commission prior to each Commission meeting for presentation and discussion of the agenda items.
- D. *Order of business; Consent agenda.* The Village Manager shall prepare the order of business. Items which, in the opinion of the Village Manager or the Village Commission, are non-controversial and may be handled and implemented without necessity for discussion shall be placed on the Consent Agenda. Unless a Commission Member specifically requests that an item be removed from the Consent Agenda, such items shall be approved and adopted by a single motion and roll call vote. Any item deemed not to be ready for discussion or approval by the Commission shall be pulled from the Agenda at the Village Commission meeting.
- E. *Taking items out of order.* Upon request by the Mayor or a Commissioner, items on the agenda may be moved out of sequence in order to expedite the matters before the Village Commission, or assure that items that are related to each other are considered in context.

**6. Presiding officer.**

- A. *Who may preside.* The Mayor, or in the Mayor's absence, the Vice-Mayor act as the presiding officer and shall take the chair at the hour appointed for the meeting and call the Village Commission to order. In the absence of the Mayor and Vice-Mayor, the Village Manager or Acting Village Manager shall call the Commission to order, whereupon an acting chairman shall be elected by the members of the Commission present. Upon the arrival of the Mayor or Vice-Mayor, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Commission. Where appropriate, references to the Mayor will be considered references to the Presiding Officer
- B. *Decorum; Questions of order.* The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Commission. He or she shall state every question coming before the Commission, announce the decision of the Commission on all subjects and decide all questions of order, subject however to an appeal to the Commission, in which event a majority vote of the Commission shall govern and conclusively determine such question of order.

**7. Roll call; quorum.**

Before proceeding with the business of the Village Commission, the Village Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. A majority of the Commission shall be necessary to constitute a quorum, but less than a quorum may adjourn or recess to a specified time, pursuant to § 3.09 C. of the Charter.

**8. Order of business.**

- A. *Regular meetings of the Commission.* Regular meetings of the Village Commission shall be held at least once per month. Regular Commission meetings may be canceled, postponed, or the time of commencement changed by a majority vote of the Commission, provided that the Charter requirement of one meeting per month is met.
- B. *Order of Agenda.* The Village Commission shall convene on the day and time of each regular meeting, and take up the business of the Commission in the following order unless changed by action of a majority of the Commission. Certain matters may be given a certain time for consideration.
- (1) Call to Order, Pledge of Allegiance, Roll Call.
  - (2)
    - A. Proclamations and Awards.
    - B. Special Presentations.
    - C. Additions and Deletions

- (3) Good & Welfare
- (4) Board Reports.
- (~~10~~ 5) Consent Agenda.
- (~~11~~) ~~Planning & Zoning Consent Agenda.~~
- (~~12~~ 6) Ordinances for First Reading and Resolutions.
- (~~13~~ 7) Public Hearings Including Ordinances for Second Reading.
- (~~14~~ 8) Unfinished Business
- (~~15~~ 9) New Business
- (~~5~~ 10) Public Safety Discussion.
- (~~6~~ 11) Commissioners' Reports.
- (~~7~~ 12) Village Attorney's Report.
- (~~8~~ 13) Village Manager's Report.
- (~~9~~14) Finance Report
- (~~16~~ 15) Approval of Minutes.
- (~~17~~16) Adjournment.

**9. Approval of minutes.**

Unless a reading of the minutes of a Village Commission meeting is requested by a member of the Commission, the minutes may be approved without reading if each member has been furnished with a copy of the minutes at least three (3) days prior to the meeting.

**10. Rules of debate.**

- A. *Presiding officer not deprived of rights as commissioner.* The Mayor or Vice-Mayor, or such other member of the Village Commission as may be presiding, may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a commissioner by reason of his acting as the presiding officer.
- B. *Obtaining the floor.* Every member desiring to speak shall address the chair, shall be recognized by the presiding officer, and shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- C. *Interruptions.* A member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a member while speaking is called to order, he or she shall cease speaking until the question of order is determined and, if in order, he or she shall be permitted to proceed.

- D. *Motion to reconsider.* A motion to reconsider any action taken by the Commission may be made only on the day the action was taken or at the next meeting of the Commission whether a regular or special meeting. The motion must be made by one of the prevailing side, but may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable.
  - E. *Recorded remarks of commissioner.* A commissioner may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the Commission entered in the minutes.
  - F. *Synopsis of debate.* The Village Clerk may be directed by the presiding officer, with consent of the Commission, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Commission.
  - G. *Limitation on debate.* Upon motion duly adopted by a majority of the Commission, debate on any one subject before the Commission may be limited to seven (7) minutes per member of the Commission, at the expiration of which the pending question will be moved to a vote.
  - H. *Parliamentary procedure.* Any issue of procedure not addressed in these procedures shall be governed by the rules of procedure provided by Robert's Rules of Order, Newly Revised, in the most current edition. Unless objection thereto is made by some member of the Village Commission, the Mayor may refrain from a too rigid enforcement of such rules, to the end of expediting the transaction of business.
- 11. Voting; filing of reasons.**
- A. *Roll call vote.* The Village Clerk shall call the roll commencing with the commissioner seated immediately adjacent to the right of the commissioner who made the motion under consideration. All commissioners shall vote "yes" or "no", or "aye" or "nay" in accordance with the provisions of state law. The records of the roll call vote shall be incorporated in the minutes of the meeting.
  - B. *Reasons for vote.* Upon the conclusion of any vote, any member of the Village Commission shall have the right to have the reasons for his or her vote entered upon the minutes.

**12. Motion to table or adjourn.**

- A. *Table.* A motion to table any matter then under consideration, except during a public hearing, shall always be in order and decided without debate.
- B. *Adjourn.* A motion to adjourn shall always be in order and decided without debate.

**13. Decorum.**

- A. *Commission members.* While the Village Commission is in session, the members must preserve order and decorum and a member shall, neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission or disturb any member while speaking or refuse to obey the orders of the Commission or its presiding officer, except as otherwise herein provided.
- B. *Impertinent remarks.* Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Commission shall not be permitted to continue speaking before the Commission, unless permission to continue is granted by a majority vote of the Commission. This remedy shall be in addition to the provisions of Section 135.03(A).<sup>2</sup>
- C. *Public comment.* Individual's wishing to speak on agenda items other than advertised public hearings shall fill out a speaker's card and be recognized by the Mayor. This requirement shall not prevent the Mayor from recognizing additional speakers.
- D. *Public hearings.* Individuals wishing to speak on matters that appear on the agenda as "Public Hearings" need only to be recognized by the Mayor. The public shall be permitted to speak after the Mayor opens an item for Public Hearing. After the Public Hearing is closed by the Mayor, only members of the Village Commission or Village administration shall discuss the item.
- E. *Addressing Commission, manner and time.* Public discussion at public hearings or at items which are opened to public discussion shall be limited to three (3) minutes maximum per person; however, the Mayor may authorize the extension of the aforesaid time frame, after due consideration for the substance, content, and relative importance of the subject. Each person who addresses the Commission shall step up to or present themselves at the speaker's podium and shall give his/her name and address. No other person other than the Commission and the person recognized by the Mayor as having the floor shall be permitted to enter

into discussion without the permission of the Mayor. All questions from the public to the Commission; shall be addressed through the Mayor.

**14. Good and welfare presentations to commission.**

Any person desiring to address the Village Commission shall first secure the permission of the presiding officer to do so.

- A. *Written communications.* Interested parties, or their authorized representatives, may address the Commission by written communication in regard to matters then under discussion, a copy of which shall be provided to the Village Clerk.
- B. *Oral communications.* Taxpayers or residents of the Village, or their authorized legal representatives may address the Commission under Good and Welfare on any matter concerning Village business, or any matters over which the Commission has control. Additionally, any residents or taxpayers who desires to make a special presentation to the Commission under Good and Welfare and wishes to have the item placed on the agenda of the next regular Village Commission Meeting shall notify the Village Manager, in writing, subsequent to the previous Village Commission Meeting, but at least five business days in advance of the next regular meeting.
- C. *Decorum.* Each person addressing the Commission under Good and Welfare and Public Hearings shall step up to the microphone provided for the public and shall give his name and address in an audible tone of voice for the records. Unless further time is granted by the Commission, each speaker shall limit his address to three (180 seconds) minutes.

In the case of quasi-judicial hearings, the Village Commission shall allow parties sufficient time to present their case, provided that no one shall be allowed to speak more than thirty minutes without the express permission of the Village Commission. No person other than the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the presiding officer. No questions shall be asked of a commissioner except through the presiding officer.

**15. Public safety discussion.**

The chief of the Village's Police, and if needed, fire and emergency medical service providers will attend each regular Commission meeting, and be available to answer questions from the Commission on their activities during this section of the agenda.

**16. Public hearings.**

As provided in Section 30.06 of the Code of Ordinances, whenever a public hearing is held pursuant to the Charter or ordinance or by direction of the Village Commission, the presiding officer shall read the title of the item on which the public hearing will be held. The presiding officer shall then recognize any interested persons or their authorized representatives, who may address the Commission in regard to the matter then under consideration. During the public hearing there shall be no debate by the Commission, although questions may be asked of the persons making such presentation by commissioners. Upon the conclusion of the presentation of the views by the public, the presiding officer shall declare the public hearing closed and the Commission may take action upon the subject matter of the public hearing.

If the Commission proposes to take any type of action, which was not on the published meeting agenda or added to the agenda prior to public comment, the Commission shall provide the opportunity for public comment on the issue prior to taking any action. Public comments shall be maintained at no more than three minutes per person, unless the Commission authorizes a different amount of time.

**17. Maintenance of records; parliamentarian.**

The Village Manager shall maintain time records, and the Village Attorney shall serve as parliamentarian.

**Section 3.** Severability. If any word, clause, phrase, sentence, paragraph, or section of this Resolution is held to be invalid by a Court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph, or section of this Resolution.

**Section 4.** Conflicts. Any resolutions or parts thereof found to be in conflict with any provision of this Resolution are hereby repealed.

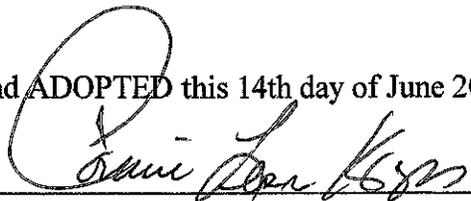
**Section 5.** Effective Date. This Resolution shall take effect immediately upon its adoption.

The motion to adopt the foregoing Resolution was offered by Vice Mayor Jorge Gonzalez, seconded by Commissioner Richard Chervony.

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Andreana Jackson	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

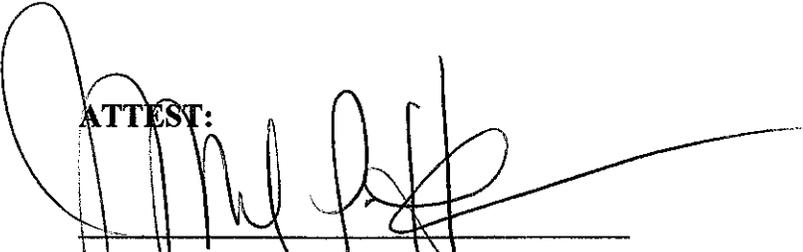
PASSED and ADOPTED this 14th day of June 2016.



---

MAYOR CONNIE LEON-KREPS

**ATTEST:**



---

YVONNE P. HAMILTON, CMC  
Village Clerk

**APPROVED AS TO FORM FOR THE USE  
OF NORTH BAY VILLAGE:**



---

Robert L. Switkes & Associates, P.A.  
Village Attorney

North Bay Village Resolution: Amending Commission Meeting Agenda – June 14, 2016