CITY OF INDIAN HARBOUR BEACH
COUNCIL CHAMBER GUIDELINES
Amended January 24, 2017

The following guidelines are intended to provide order in the City Council Chamber while City Council and other board meetings are conducted. These guidelines apply to members of the public, as well as elected and appointed officials.

SECTION 1. PURPOSE

1.0 To set forth a consistent policy and procedure for the inclusion of public participation at Council/Board Meetings, when applicable.

SECTION 2. POLICY & PROCEDURES

2.0 Participation by the Public at City Council/Board meetings are encouraged with the following guidelines (Non-Quasi Judicial Matters only):

2.0.1 No person shall address the Council or other Boards unless recognized by the Mayor or presiding officer during a portion of the agenda that allows for public participation (Example: *Public Hearings, Public Comment, etc*.).

2.0.2 For matters not listed on the agenda, the individual will be given the opportunity to speak at the appropriate section of the Agenda*.

**Note, however, that State law and administrative rules prevent the City Council from taking any formal action on any item discussed at this time. The Council may schedule such items as regular agenda items and act upon them in the future. Also note that not all boards of the City have a Public Forum section on the Agenda*

2.0.3 For matters listed on the agenda, the individual will be given the opportunity to speak at the appropriate section of the Agenda. When recognized by the Mayor or presiding officer to address the Council or Board on a particular subject, only discussion regarding that issue will be permitted. During the segments of the agenda for *Public Comments*, any issue regarding the City may be addressed by the speaker within the time limit permitted.

2.0.4 Speakers must speak at the podium or at such other place as authorized by the Mayor or presiding officer, not from their seat in the audience. Demands to be heard at other times than authorized by the agenda and speaking from your seat will not be permitted.

2.0.5 Speakers must provide their name and address.

2.0.6 Speakers must direct comments to the Chair of the City Council or Chair of the Board and not to members of the audience. Speaker's questions will be directed to the Mayor or presiding officer.

2.0.7 The time limit for addressing Council or Board *Public Hearings* (*non-quasi judici*al) is three (3) minutes. The time limit for addressing Council or Board for *Public Comment* is three (3) minutes. The time limit for addressing Council during *Consent Agenda, Ordinances –First Reading, Unfinished Business, and New Business* portions of the agenda is three (3) minutes. However, when a person is speaking to an item relating to a non-quasi judicial Public Hearing additional time may be granted by the Chair or a majority of the City Council or Chair or a majority of the Board. Time may not be donated to another speaker. Placards or signs are only permitted in the back of the room unless utilized as a part of the speaker's presentation.

If there is an authorized representative of a group of citizens or public, i.e., by way of example and not limitation, a representative of a homeowner's association, condominium association or other type of property association, private clubs, churches, or other governmental agencies, then that person would be given 10 minutes to present its case on behalf of the property owner's association.

2.0.8 Placards and signs will be displayed in a manner so as not to disrupt or disturb the meeting. Smoking is not permitted in the Council Chambers or City Hall Building.

The Council may by a majority vote of the members present decline to hear any person who is not a resident or real property tax payer of the City, subject to the exception that this policy shall not apply to quasi-judicial proceedings.

2.0.9 The City designates the Council Chambers as a campaign free zone in the conduct of orderly and efficient meetings before the City Council. Persons within the Council Chambers and/or addressing the City Council shall not wear or display campaign buttons, literature, signs or placards or clothing supporting a candidate for public office. Persons shall not utilize their appearance before the City Council as an opportunity to advocate a particular campaign or person running for public office. The City recognizes that there are other public forums available to discuss these issues or topics.

2.0.10 Florida Statutes 106.15(4) (2007) expressly prohibits any person soliciting or accepting political contributions in a government building.

Failure to follow the above rules may be grounds for the Mayor, Council or presiding officer to request a speaker's removal from the chambers

2.0.11 **INTERRUPTION OF MEETING.** In accordance with current law the City Council may establish reasonable rules and policies designed to ensure orderly conduct of a public meeting and which require orderly behavior on the part of those attending. Persons demonstrating disruptive behavior at meetings or violating established rules of order will be called to order by the chairperson. If

such conduct continues, the chairperson may call a recess, request the removal of such person(s) from the council chambers upon a finding of "disorder", adjourn the meeting if determined to be the appropriate action, or take such other appropriate action as permitted by law.

2.0.12 **DEFINING DISORDER AND DISRUPTION**

A. A speaker who is disorderly at a meeting may be removed upon a finding by the chairperson that such disorder causes a “disruption”. Disorder at public meetings usually takes one of three forms:

1. Refusal to confine the speech to the subject matter being addressed.

2. Refusal to conform to time limits on speaking

3. The speaker's demeanor and conduct during the meeting.

B. Disruption includes any conduct that significantly violates generally or specifically established rules of order and truly disrupts the meeting. Examples are:

1. Violent or tumultuous conduct threatening the safety of another.

2. Conduct creating danger to another's person or property.

3. Provoking or engaging in a fight.

4. Use of words that may threaten others.

5. Not speaking on the subject matter being addressed and refusing to do so when requested by the chairperson.

6. Using obscene, profane, or vulgar language.

C. The content of any speech of the speaker is not be grounds for removal .

SECTION 3. QUASI-JUDICIAL HEARINGS

3.0.1 Certain standards of basic fairness must be provided in quasi-judicial proceedings. A quasi-judicial hearing meets due process requirements if the parties are provided notice of the hearing and a fair opportunity to be heard in person or through counsel, the right to present evidence and cross-examine witnesses and the right to be informed of all the facts upon which the Board acts.

3.0.2 ORDER OF PROCEEDINGS

1. Florida law does not require that witnesses be sworn in at a quasi-judicial hearing. The Board may want to have the witnesses sworn. If it chooses to do so then the Chair directs Clerk or attorney to swear in witnesses en masse.

    a. Counsel for the Board or Council shall advise such body of the need to swear in witnesses. The Clerk or attorney has all witnesses stand and swear to the following: "do you swear and affirm that the testimony you will give before the Board or Council will be the truth, the whole truth and nothing but the truth so help you God?" Clerk or attorney announces witnesses have been sworn. An attorney shall be present representing the Board or Council at all quasi-judicial proceedings.

    b. The Chair announces that anyone testifying before the Board or Council needs to state their name and address for the record.

2. The Chair should announce that any person desiring to present written documentation, photographs or other documentary evidence must give a copy of the documents to the Clerk and may provide the Board members a copy as well.

3. Chair announces that all ex parte communications and any pre hearing site visitations must be disclosed. Such disclosure shall include the date of the communication and/or site visit, whom the communication and/or site visit was with, and a summary of the communication and /or site visit.

4. Petitioner's presentation:

a. Petitioner or Petitioner's representative may make an opening statement by presenting its position, introducing documentation or other evidence.

b. Petitioner may then call witnesses.

c. Any person desiring to cross-examine Petitioner's witnesses may do so.

5. Testimony and presentation of evidence by the public, either in support or against the Petitioner.

a. Time limit for such presentations by the public shall be (10 minutes as recommended by BOA) (3 minutes per P&Z). The Board or Council has the discretion to enlarge any time limitations.

b. If there is an authorized representative of a group of citizens or public, i.e., by way of example and not limitation, a representative of a homeowner's association, condominium association or other type of property association, private clubs, churches, or other governmental agencies) then that person would be given (10 minutes per BOA) (3minutes per P&Z) to present its case on behalf of the property owner's association. Unless there is different testimony to be presented by a member of the same association, no other person within the property owner's association will be permitted to testify. The Board or Council has the discretion to enlarge any time limitations.

c. Cross-examination of any person of the public who has given testimony.

6. Staff's presentation:

a. Staff may make an opening statement.

b. Staff may call witnesses and present evidence.

c. Staff may be cross-examined by any person. Once the evidence has been presented, the Chair shall close the public hearing and bring the matter back to the Board or Council for any additional questions they may have of any person who participated in the public hearing. However, no discussion amongst the Board or Council members shall

be made unless and until a motion and a second have been made.

SECTION 4. BOARD OR COUNCIL DISCUSSES AND VOTES.

4.0.1. When a decision is made by a body that has final decision making authority, the City Attorney shall prepare a written order to be signed by the chairperson and such order shall become final when filed with the Clerk.

SECTION 5. REHEARING/RECONSIDERATION.

5.0.1. There is no specific rule or statutory authority for the rehearing or reconsideration of a local agency decision; however, a local agency has the inherent power and authority to rehear and reconsider a previously entered order. The City has determined that, notwithstanding this inherent power and authority, no rehearing or reconsideration shall be entertained regarding a previously entered order of any quasi-judicial board of the City.

THANK YOU FOR YOUR COOPERATION.