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MEMORANDUM

DATE: March 27, 2019
TO: The Honorable Mayor and City Commissioners
FROM: Omichele D. Gainey, Clerk of the City Commission 
RE: **Public Comment at City Commission Meetings**

In response to several requests for recommendations on improving public comment at City Commission meetings, I'm distributing several documents that were produced in 2013 and 2016 by the city's charter officers to address overall effective and efficient government. Research was conducted on several neighboring cities and a compilation of best practices/recommendations are attached.

Additionally, the portion of the City Commission rules regulating public comment also highlight limits that are in your rules but not currently enforced.

If I can be of further assistance, please don't hesitate to let me know.



MEMORANDUM
Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: Clerks/Liaisons to all City Boards and Committees **DATE:** September 16, 2013

CC: Mayor and City Commissioners
Charter Officers

FROM: Nicolle M. Shalley, City Attorney *NMS*

SUBJECT: New Florida law providing the public with a reasonable opportunity to be heard at public meetings

This Memorandum is provided to inform you of Chapter Law 2013-227, Laws of Florida. This law creates a new Section 286.0114, Florida Statutes, that becomes effective on October 1, 2013. I have attached a copy of the new law, so you can read it in its entirety to become familiar with its provisions. Please inform the chairperson and members of your respective boards and committees of the new law.

In general, the new law requires that the City provide the public with a reasonable opportunity to be heard on each proposition prior to a city board, committee or commission taking official action on the proposition. However, the law provides a number of exceptions (i.e., emergency situations affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act; ministerial acts, such as the approval of minutes and ceremonial proclamations; meetings exempt from Florida's sunshine law requirements; and quasi-judicial proceedings.)

In addition, the new law makes clear that the City can continue to maintain orderly conduct and proper decorum at City meetings and can establish certain reasonable time and manner restrictions on the opportunity to be heard.

Commencing October 1, 2013, please ensure that your meetings are conducted in accordance with the new law. If necessary, please update your rules to comply with the law. Failure to comply with the new law may result in the issuance of an injunction and the assessment of attorney fees against the City.

Should you have any questions about the new law or whether it is necessary or advisable to update your rules, please contact the attorney with this Office that is assigned to your board/committee/department.

1 A Commissioner may request, through the presiding officer, the privilege of having his/her
2 written statement on any subject under the consideration by and presented to the Commission
3 entered in the minutes. If the Commission consents thereto, such statement shall be entered in
4 the minutes.

5
6 **RULE9. COMMISSION MINUTES and RECORDS**

7 The Clerk shall submit minutes of meetings for approval as timely as possible. Such minutes
8 may be approved on the Consent Agenda, if the Clerk has provided a copy of the minutes in the
9 agenda backup. After approval, the Clerk shall publish the minutes on the City’s website. Every
10 petition, communication, or other paper presented in writing to the Commission at any
11 Commission or Committee meeting shall be retained (or a copy thereof) by the Clerk.

12
13 **RULE 10. PERSONS APPEARING BEFORE THE COMMISSION**

14 **A. General Public Comment**

15 General Public Comment is limited to issues not located on other portions of the printed agenda.
16 Each general comment period is limited to 30 minutes total. A person who has addressed the
17 Commission during one general public comment period in a meeting will be recognized by the
18 presiding officer to speak after other persons who have not spoken are given the opportunity to
19 address the Commission, time permitting. Public comment at the end of the evening meeting is
20 reserved only for those persons who did not speak at the 1pm or 5:30pm general public comment
21 periods.

22 **B. Public Comment on Agenda Items**

23 Persons commenting on agenda items shall address only the item being considered. Persons
24 wishing to speak on public hearing items (which includes general public hearings, resolutions,
25 ordinances and planning petitions) may be required to fill out a card provided by the Clerk and
26 submit the completed card to the Clerk prior to speaking.

27
28 **C. General Conduct for any Public Comment**

29 Any person desiring to address the Commission shall first request recognition by the presiding
30 officer. After being recognized, the person (1) shall give his/her name in an audible tone of
31 voice; (2) shall limit the address to any time limitation established; and (3) shall address all
32 remarks to the Commission as a body and not to any member thereof.

33 Each person is limited to 3 minutes per general comment period or per agenda item and other
34 time limits may be established by the presiding officer based on the number of participants. In
35 addition, the presiding officer may adopt a time limitation to provide equal time for opponents
36 and proponents speaking to any particular issue.

1 No person other than a member of the Commission and the person having the floor shall be
2 permitted to enter into any discussion, either directly or through a member of the Commission,
3 without permission of the presiding officer. No question shall be asked except through the
4 presiding officer.

5 Members of the public are not permitted to possess food, drink, props, signs, posters, or other
6 similar material in the meeting room. Speakers at the podium addressing the Commission may
7 use the City's overhead projection system, as part of his/her comment as long as they are not
8 obscene and do not otherwise disrupt, delay, or interrupt the proceeding. Outbursts of approval
9 or disapproval, jeers or heckling are not permitted. In the event of a disturbance or violation of
10 these Rules, the violator may, after warning, be ordered removed from the room as provided in
11 Rule 13.

12

13 **D. Agenda Statement**

14

15 The following statement will be included on all meeting agendas: "Members of the public are
16 encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to
17 3 (three) minutes per agenda item and 3 (three) minutes per public comment period. The City of
18 Gainesville encourages civility in public discourse and requests that speakers direct their
19 comments to the Chair. Signs, props, and posters are not permitted in the meeting room."

20

21 **RULE 11. ORDINANCES and RESOLUTIONS**

22 All Ordinances and Resolutions shall be introduced in writing with a complete copy filed with
23 the Clerk in the agenda backup. No Ordinance shall be adopted on final reading until notice as
24 required by law has been published. All Ordinances shall be signed by the Mayor or Mayor-
25 Commissioner Pro Tempore, attested by the Clerk of the Commission and approved as to form
26 and legality by the City Attorney.

27

28 **RULE 12. OTHER DOCUMENTS FOR EXECUTION**

29 All documents to be executed by the Mayor and Clerk of the Commission shall have first been
30 submitted to the City Attorney's Office for approval as to form and legality before placing on the
31 agenda and should be formatted for immediate signature after authorization of the execution.

32

33 **RULE 13. SERGEANT-AT-ARMS**

34 The City Manager (or designee) shall be sergeant-at-arms of the Commission meetings. The
35 sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the
36 purpose of maintaining order and decorum at the Commission meeting and the following
37 procedure will provide guidance in handling disruptions:

38

Memorandum

From: The Charter Officers

To: The City Commission

Date: March 29, 2016

Subject: Initial recommendations to create effective and efficient government

In follow-up to the City Commission Workshop held on February 23, 2016 regarding Effectiveness in Office, the Charter Officers met to identify areas in which the Charter Officers and Commissioners could improve how we respond to citizen issues, evaluate policy issues, communicate with each other and conduct the public business meetings.

In our discussions, the Charter Officers identified that often the “current practice” exists simply because it has always been done that way or evolved into being done that way, it continues to exist because no one questions it and often it is not representative of best practices.

We looked at our “current practices” with a critical eye and identified areas of concern. We then drew on our own experiences, discussions with others and research of other local government practices – to develop the solutions we propose below. We also recognized that in order to implement any solutions successfully, each Charter Officer and City Commissioner must take ownership of his/her respective role in these solutions and we must hold each other accountable for achieving improvement in how we conduct the public business and serve the citizenry.

In this memo we share with you the initial 4 areas of improvement that we identified, together with proposed steps for implementation. While these initial recommendations are more process-focused (how we conduct business), our continuing work and future recommendations will incorporate more citizen-focused improvements (how we put the citizen at the center of what we do.)

Improvement 1 - Deal more effectively and efficiently with policy referrals

Improvement 2 - Provide a uniform process for responding to citizen issues that is both user-friendly and responsive

Improvement 3 - Improve Commissioner/Charter Officer briefing and communication

Improvement 4 - Run a more effective/efficient City business meeting

Improvement 1: Deal more effectively and efficiently with policy referrals

Current practice: During City Commission meetings, the Commission (at the request of a Commissioner or a citizen) refers policy issues (i.e., city issues of general interest, process-related or regulatory – distinguished from citizen issues discussed in Improvement 2 below) to 9 City Commission Committees.

Concerns with current practice:

- 9 Committee meetings monthly – requires significant amount of Commission and staff time to prepare for and attend the meetings
- Committees are comprised of 2-3 Commissioners, who may hold the minority view on an issue
- Committee recommendation is then brought to Commission, heard again (more staff and Commission time)
- Referral lists become long, may be months before item is discussed by a Committee, items become stale or forgotten
- Items are not analyzed upfront to determine “feasibility” (e.g., legality, how it fits into Strategic Plan and Budget, additional resources required)
- Is not designed to allow for prioritization of issues, so that budget funds and other resources (such as staff time) can be allocated appropriately

Solutions

Step 1: Beginning immediately, stop referrals during Commission meetings and instead follow this process for initial review, analysis, and informed action:

If citizen raises a policy issue during a City Commission meeting or in a communication with Commissioner(s), at least one Commissioner must “sponsor” the issue.

If a Commissioner is interested in his/her own policy issue or “sponsors” a citizen-initiated policy issue, the Commissioner brings the issue to an upcoming “Charter Officer Briefing” (see Improvement 3 below) to be initially reviewed for feasibility.

If Commissioner desires further action after meeting with Charter Officers, appropriate Charter(s) will prepare a “Staff Analysis” (see Improvement 3, Step 3 below) for a future Commission or General Policy Committee agenda.

Step 2: At the April 21, 2016 City Commission Meeting, the Charter Officers will provide the Commission with a recommended action to dispose of all outstanding Committee referrals. The recommended action will be either: sunset the item or assign the item to staff for a “Staff Analysis” and placement on a future General Policy Committee or Commission agenda.

Step 3: At the April 21, 2016 City Commission Meeting, adopt a Resolution effective April 30, 2016 revising the City Commission Rules to repeal all Commission Committees except the General Policy Committee and Audit & Finance Committee (the latter is required by state law).

Step 4: On April 30th of each year (commencing in 2017), all referrals pending in the General Policy Committee and Audit & Finance Committee will sunset (and a report of the sunset will be made to the City Commission), unless the Committee affirmatively votes to retain the referral for further work.

Improvement 2: Provide a uniform process for citizen issues that is user-friendly and responsive

Current practice: Commissioners are contacted by citizens concerning a “citizen issue” (i.e., an issue that is personal to that citizen, such as a pothole in their street, a GRU billing issue, difficulty obtaining a permit) and Commissioners all handle in different ways – ranging from discussing with a Charter Officer to actually handling the matter himself/herself. Likewise, City Departments all handle citizen issues in different ways.

Concerns with current practice:

- Citizens cannot readily track the progress of their issue
- Commissioner involvement in issue likely “elevates” the issue, even if Commissioner does not intend to do so
- Commissioner focus should be on policy and holding Charter Officers accountable for resolving citizen issues
- Commissioners and City staff do not have uniform system/tool to input and track citizen issues

Solution

The Charter Officers are working on enhancing the current 311GNV Work Management System and its ability to integrate with other work management systems utilized by particular departments, with the end goal to have one platform that functions effectively across the organization. Once functional:

1. We will encourage citizens to Input their issue directly into 311GNV;
2. If a citizen instead chooses to communicate his/her issue to a Commissioner, the Commissioner can input the issue into 311GNV for the citizen or, if it is a more confidential issue, the Commissioner can discuss with the appropriate Charter Officer; or
3. If a citizen discusses his/her issue at a City Commission Meeting, the appropriate Charter Officer will provide contact information for a member of City staff to follow-up and assist the citizen with the issue.

Improvement 3: Improve Commissioner/Charter Officer briefing and communication

Current situation: Charter Officers meet weekly, bi-weekly or as-needed with Commissioners. There is no uniform agenda or clear expectations for these meetings. An agenda review meeting (open to the public) occurs each Wednesday the week before each Commission meeting, at which each Charter Officer presents a very quick explanation of their agenda items, Commissioners who attend make requests for agenda items and re-order agenda items. Although Charter Officers review agenda items coming from their Departments, there is no standard format or staff analysis that would provide Commissioners a consistent “one-stop” briefing on the issue.

Concerns with current situation:

- No opportunity for substantive review and questions about upcoming agenda items
- Commissioners have to spend considerable amount of time preparing for the meeting and may feel unprepared or overwhelmed with excessive back-up materials
- Agenda items run long with questions, rather than just debate, public input and decision-making
- Individual meetings with each Charter Officer require a significant amount of time for the Charter Officers and Commissioners and do all Commissioners receive the same information?
- Issues often overlap Charter Officer areas of responsibility, meetings with individual Charter Officers may not provide opportunity for robust, fully informed conversation and frank review and analysis of issues

Solutions

Step 1: Charter Officers/Commissioner Briefing Meetings - The Clerk will schedule standing 1- 1 ½ hour meetings of all Charter Officers and each Commissioner individually. The meetings will be scheduled during the Monday, Tuesday and Wednesday the week before the week of the regular Commission meeting. For example, the first meetings will be scheduled on Monday, May 9 through Wednesday, May 11. The agenda for each meeting will be as follows: Commissioner Policy items (see Improvement 1, Step 1 above); briefing of next Commission meeting agenda items; and time permitting, updates from each Charter Officer.

Step 2: Mayor’s Agenda Management Meeting – At the April 21, 2016 Meeting, adopt a Resolution effective April 30, 2016, amending the Commission Rules to define this meeting for the limited purpose of managing and finalizing the agenda (for example, adding last minute items, moving items from consent agenda to regular agenda or to a future agenda.) The meeting is not for discussing or asking questions about the substance of agenda items and all Commissioner, staff and public comment shall be limited to agenda management. Once finalized, the agenda cannot be further modified (except to add back-up to existing items or to add items that are of an emergency or time sensitive nature) until the adoption of the agenda on the day of the meeting.

Step 3: Charter Officers will develop a form “Staff Analysis” document that will be used for policy discussion items to provide Commissioners and citizens with a “one-stop” key document that thoroughly reviews the issue. The “Staff Analysis” will describe the present situation (history/background), what changes are being proposed and any other alternatives that may be considered (with an analysis of the pros and cons, fiscal impact and legal concerns/constraints of each) and a recommendation. Two examples of staff analysis are provided in Attachment A to this memo.

Improvement 4: Run a more effective/efficient City business meeting

Current situation: The Commission Rules specify the afternoon of the 1st meeting of the month is for GRU items and the afternoon of the 2nd meeting of the month is for General Government items. The agenda format has numerous categories that are often not used. Remaining afternoon items are moved to end of the evening agenda. Citizen comment occurs prior to business items at 1pm and 6pm.

Concerns with current situation:

- Since few GRU items are placed on the 1st meeting agenda and many General Government items are on the 2nd meeting agenda, the second meeting of month is generally much longer
- After 10pm, it becomes more difficult to be engaged or focused
- The agenda is not easy to follow and there is little certainty as to time when items will be heard, citizens, petitioners and their experts and City staff must wait (hours = time & money) for business items to be heard
- General citizen and Commission comment consumes a considerable amount of meeting time before business items
- Citizen comment and verbal exchanges between Commissioners and citizens are time consuming and create negative environment
- Citizens should not have to attend the meeting to provide input for Commission consideration

Solutions

Step 1: At the April 21, 2016 Meeting, adopt a Resolution effective April 30, 2016, amending the City Commission Rules to reformat the Order of Business as follows:

1pm - Call to order afternoon session

Invocation	
Adoption of Consent Items	(GRU, General Government, Audit & Finance Committee and General Policy Committee)
Adoption of Regular Agenda	
Business Discussion Items	(GRU and General Government placed on agenda by Charter Officers or moved from Consent)
Committee Discussion Items	(placed on agenda by either Audit & Finance Committee or General Policy Committee or moved from Consent)
Other Policy Discussion Items	(if the Commission does not get to these items, they are continued to the next regular Commission meeting, not to the evening session)
Informational Presentations	(items that do not request or require any Commission action)
Citizen Comment, for items not on the agenda	

4:30-5:30 Evening Break

5:30 – Call to order evening session

Pledge of Allegiance
Proclamations/Special Recognitions

General Public Hearings Resolutions Ordinances Planning Petitions	(items required to be heard in the evening)
Citizen Comment, for items not on the agenda	
Commission Comment	

10pm or earlier – adjourn

Step 2: Stay “on task” and “on time” – This will require each Commissioner and Charter Officer and their respective staff to personally commit (and hold each other accountable) to keep the focus of the business meeting on timely and relevant debate, public input and decision-making.

Step 3: Improve Citizen Comment - The thought here is not limit or marginalize citizen input, but rather to make it more user-friendly, meaningful and focused. Below are some guidelines that other local governments use to manage citizen comment:

- Limit comments to City issues only
- Each citizen may speak at one general comment period per meeting; or alternatively have only one general comment period during the meeting
- Respect that it is citizen comment – thank citizen for input, do not rebut/argue with citizen speakers, or demand a staff response on the spot. If response or further action is appropriate, provide the citizen with a contact person (see Improvement 1 above)
- Do not broadcast general citizen comment
- No overhead projection or display of materials, citizen can provide hard copies to Clerk

The Commission may wish to consider implementing some of the above guidelines into the City Commission Rules. The Charter Officers are exploring and will bring back to the Commission ideas for more user-friendly, real-time ways for citizens to provide input on Commission agenda items and other City business, rather than citizens having to attend the meeting or send an email that may get lost in a large in-box, or not read until after the meeting.

ATTACHMENT "A"

Agenda Item Details

Meeting	Jan 27, 2016 - City Commission Meeting & Summary
Category	13. POLICY FORMATION AND DIRECTION
Subject	13.09 Discussion of proposed changes to holiday and personal leave policies -- Raoul Lavin, Assistant City Manager of Administration & Professional Services
Type	Action, Discussion
Preferred Date	Jan 27, 2016
Absolute Date	Jan 27, 2016
Fiscal Impact	No
Recommended Action	Option 1 - Approve changes to the City's holiday policies as recommended below and provide one employee floating day in addition to the nine officially observed holidays. Additionally, modify the personal leave policy to provide general employees, not covered under a bargaining unit contract, two personal leave days (16 hours assuming full-time status) to be used for personal business.

For more information, please contact: Ellen Blair, Human Resources Manager, 850-891-8538

Statement of Issue

The City of Tallahassee has been known to be one of the employers of choice in the community in large part due to the professionalism of the organization as well as the overall benefits package offered by the organization to its employees. This has resulted in the City being able to recruit and hire the best candidates for vacant positions and also ensure minimal turnover at all levels of the organization.

In order to maintain our employer of choice status, we continually review the employee benefits package to ensure that our benefits are within best practices among peer municipalities and governmental entities. Recently, it has come to our attention that our leave policy, specifically as it relates to official holiday leave and personal leave, has not kept up with our peers.

This agenda item provides some background information about our current policy, provides a comparison with other governmental entities across the state and locally, and finally makes recommendations on possible changes to the City's holiday leave policy that will place the City in line with the holiday leave practices of our local peers.

Fiscal Impact

Adoption of the proposed changes to holiday and leave policies will result in City of Tallahassee operations being closed one less day from current practice, resulting in approximately \$284,000 in overtime expense savings across all funds.

Recommendation

Option 1 - Approve changes to city's holiday policies as recommended below and provide one employee floating day in addition to the nine officially observed holidays. Additionally, modify the personal leave policy to provide general employees, not covered under a bargaining unit contract, two personal leave days (16 hours assuming full time status) to be used for personal business.

Supplemental Material/Issue Analysis

In addition to an employee's personal and sick leave benefit, annually the City observes nine official holidays throughout the year. These are as follows:

New Year's Day	Veteran's Day
Martin Luther King, Jr. Day (third Monday in January)	Thanksgiving Day
Memorial Day (last Monday in May)	Friday after Thanksgiving
Independence Day	Christmas Day
Labor Day (first Monday in September)	

At the discretion of the City Manager, an additional floating day has been designated each year. Traditionally, this extra day has been designated around the Christmas Holiday; however, in 2015 in an effort to add a holiday in between the Martin Luther King Holiday (January) and the Memorial Day Holiday (May) the City Manager designated President's Day on February 16, 2015 as the tenth official holiday for 2015.

In reviewing best practices related to the number of observed holidays provided by governmental entities across the state and locally, it is staff's belief that the City's current practices have fallen slightly behind. The following table provides an illustration of the total number of holidays provided by municipalities as well as for those governmental agencies within the Tallahassee area. It should be noted that for consistency, the municipalities surveyed are the same ones used in the annual municipal cost comparison in the budget.

HOLIDAY LEAVE DAYS

Comparison for 2015

MUNICIPALITY	# of Holidays
City of Pensacola	9
City of Fort Lauderdale (9 plus any other days designated by Commission)	9-10
City of Gainesville (depending on employee group)	10-12
City of Daytona (9 days plus two City Manager designated floating days)	11
City of Lakeland (10 plus one floating day)	11
City of Largo (11 plus one day at every 5th year anniversary)	11
City of West Palm Beach	11
City of Orlando (9 Holidays plus 3 floating days)	12
City of Clearwater (10 days plus 3 employee floating days)	13
City of Hollywood (12 holidays plus employee's birthday)	13

Local Governmental Entities

Leon County (9 plus 3 employee floating days)	12
City of Tallahassee (9 plus one City Manager designated floating holiday)	10
Leon County School Board (8 holidays plus closed 2 weeks between Christmas and New Year's Eve)	16
State of Florida (9 holidays plus one employee floating day)	10
Florida State University (9 holidays plus University closed during December break)	15
Florida A&M University (9 holidays plus University closed during December break)	15
Tallahassee Community College (9 holidays plus University closed during Spring Break and December break)	25

All of the organizations listed above observe the same core holidays as those observed by the City of Tallahassee. Other holidays observed by some municipalities include President's Day (February), Columbus Day (October), Christmas Eve (December) and New Year's Eve (December). It should also be noted that locally, the Leon County School Board, Florida State University, Florida A&M University and Tallahassee Community College close their campuses/offices during a portion of the semester break in December (usually the period between Christmas and New Year's holidays). Tallahassee

Community College also closes during the week of spring break. Employees are not required to take personal leave during this period.

Leon County (Attachment 1) observes nine official holidays and provides employees with three floating days. Additionally, for those years when the Christmas or New Year's holiday fall on a Thursday or a Tuesday, Leon County is officially closed the day of the holiday as well as the Friday or Monday, thereby providing employees with a four day weekend during these two holidays. As this is included in the holiday policy, there are no questions from employees related as to whether or not offices are opened or closed.

Over the years during the December holiday season, speculation arises from our employees over what days the City will be open or closed. This is particularly the case in years when the official holidays have been on either a Thursday or a Tuesday, with the question focusing on whether the City will close for four day weekends over Christmas or New Year's holidays. In the past, the City Manager has made a decision on this and sometimes utilized the extra floating day or in some instances granted an extra day beyond the official ten official observed holidays. As the extra day for 2015 was given on President's Day, the City was not closed any additional days during Christmas/New Year's Day last year.

Holiday versus Floating Day

As the chart above indicates, the City's holiday policy is not in line with our peers. Two options are available should the City Commission choose to modify our existing policy. One option would be to increase the number of officially observed City holidays. This would mean the closure of most City facilities on the additional days. Although savings would be realized as a result of facilities being closed, e.g. utilities and fuel, there would be additional overtime costs associated with those employees that would be required to work during the holiday (utility crews, public safety, etc.). During the most recent Veteran's Day Holiday, the City spent \$284,000 on overtime expenses across all funds. Approximately \$114,000 of this expense is associated with the general fund and is mostly related to public safety overtime.

The second option would be to provide an employee floating day. A number of municipalities offer their employees floating days in addition to the official holidays when the organization is closed for business. Floating holidays are available for employees to utilize at their choosing and does not require that the entire organization close for business. Overall customer service is not impacted and overtime expenses are not required as facilities remain open.

Recommendation

In order to continue to be an employer of choice, staff is recommending that the City's holiday policy be modified to be more in line with best practices.

Holiday Policy

It is recommended that we continue to observe the nine official holidays as listed above but also provide employees with one floating holiday to be taken at the employee's discretion. Additionally, it is also recommended that the holiday policy be modified to indicate that if the Christmas or New Year's Day holidays fall on a Thursday or Tuesday, the City will automatically observe the Friday/Monday as an official holiday thereby providing a four day weekend to employees. The next time that this will occur will be in 2018 and then again in 2025.

The following conditions would apply to the floating day:

- The floating day would have to be taken within the year given.
- Cannot be carried over into a new year.
- The floating day must be used in full and cannot be split for use on multiple days.
- Will not be paid if unused.

This recommendation retains the total number of employee holidays but does not result in the City having to close operations for one day and incur overtime expenses. Additionally, only observing the nine official holidays instead of the ten currently observed will result in overtime savings within all funds. This recommendation would apply to all City of Tallahassee employees including those employees covered by a collective bargaining agreement.

Personal Leave Policy:

It is recommended that the personal leave policy be modified to indicate that general employees not covered under a collective bargaining unit are eligible for two (2) personal leave days (16 hours assuming full time status). Personal leave days are intended to give flexibility to the employee and can be used for personal business.

Option 1 Approve changes to city's holiday policies as recommended above and provide one employee floating day in addition to the nine officially observed holidays. Additionally, modify the personal leave policy to provide general employees, not covered under a bargaining unit contract, two personal leave days (16 hours assuming full time status) to be used for personal business.

Pros:

- Keeps the City's holiday policies in line with our peers.
- Results in overtime savings (estimated at \$284,000 in overtime expense) as the organization will be officially closed one less day (nine official holidays versus the current practice of ten).
- Offering of additional personal leave days allows the employee flexibility to care for personal business issues.

Cons

- Any operational impact can be mitigated based on appropriate management of employee leave schedule.

Option 2 Continue current holiday policies of nine official days plus one floating holiday designated by the City Manager.

Pros

- Maintains existing policy which employees are familiar with.

Cons

- Is not representative of best practice.
- Results in one additional closure day that results in overtime expenses (estimated at \$284,000).

Attachments/References

Attachment 1 - Leon County Holiday Policy

[Leon County Holiday Policy.pdf \(30 KB\)](#)



OFFICE OF THE CITY MANAGER

Council Meeting Date: May 13, 2014
Staff Report #: 14-087

Agenda Item #: F-2

REGULAR BUSINESS:

Approve a Modification to the Fiscal Year 2013-14 Budget to Appropriate \$30,000 from the Capital Improvement Program Fund Balance for the Santa Cruz Avenue Enhanced On-Street Seating Pilot Program as well as the Design for the Santa Cruz Avenue Enhanced On-Street Seating Pilot Program

RECOMMENDATION

Staff recommends that the City Council approve:

1. A modification to the Fiscal Year 2013-14 Budget to appropriate \$30,000 from the Capital Improvement Program Fund Balance for the Santa Cruz Avenue Enhanced On-Street Seating Pilot
2. The design for the Santa Cruz Avenue Enhanced On-Street Seating Pilot Program

BACKGROUND

During the 2014 City Council Goal Setting meeting, the City Council discussed enhancing opportunities for outdoor seating as a valuable tool for increasing vibrancy on Santa Cruz Avenue and supporting local merchants. Mayor Mueller suggested that staff consider this type of outdoor seating enhancement following a personal visit to Carlsbad, CA. Staff researched examples in other cities as well for developing the recommended plan. Mountain View's Outdoor Café Program has provided valuable insights for developing the proposed pilot program.

On March 25th, Mayor Mueller and Vice Mayor Carlton hosted a meeting at City Hall with a number of downtown Merchants who were interested in discussing opportunities for improving downtown. The discussion included additional public events, capital improvement projects and enhanced outdoor seating opportunities. The Merchants were supportive of the concept of an outdoor seating pilot program and liked the Mountain View model as well.

On April 21st, Mayor Mueller and City Staff hosted the first Quarterly Small Business Roundtable. Vice Mayor Carlton as well as Council Members Keith and Ohtaki also welcomed over 35 representatives from small businesses in Menlo Park. Menlo Park

Chamber of Commerce President/CEO Fran Dehn was in attendance as well and is supportive of the concept. Ms. Dehn regularly works directly with the City to develop strategies for enhancing the retail experience. A number of downtown business representatives attended and also shared their support for the concept of the downtown seating enhancement program.

ANALYSIS

Currently, \$80,000 has been budgeted in the FY 14-15 Capital Improvement Program (CIP) Budget for enhancing outdoor seating. This CIP Budget item was established as a result of the stated goals of the El Camino Real/Downtown Specific Plan. Specifically, (1) enhancing pedestrian amenities along Santa Cruz Avenue and (2) expanding shopping, dining and neighborhoods services. We are seeking \$30,000 from that future appropriation to accelerate the project.

The Specific Plan allows for public improvement pilot programs as “the basis for the review and consideration of a permanent installation.” This pilot program will provide the City with the opportunity to assess the level of public interest in similar permanent improvements on Santa Cruz Ave., while also supporting the City Council's goal of providing escalated public space enhancements.

As staff considered potential locations for this pilot program, it became clear that the logical choice was parking area in front of the Left Bank Brasseries. Left Bank has obtained the proper outdoor seating permit and has established a track record of compliance with the conditions of their permit. The pilot program will have a *de minimis* effect on parking. As attachment A illustrates it will require the removal of only one 1-hour space, one 15-minute space and some motorcycle parking that is rarely used. The intersection of Santa Cruz and Doyle is controlled with stop signs reducing the speed of vehicular traffic and providing an additional margin of safety for the public.

If approved by the City Council, City Staff will formalize an agreement with The Left Bank Brasseries to provide the planters that will be used to section off the seating area, soil and trees if deemed desirable. The Left Bank Brasseries has agreed to provide tables and chairs for the area as well as install and maintain landscaping consistent with their existing landscaping in the planters. Staff has also made it clear that the planters and any landscaping in them belong to the City and may be removed at the end of the pilot program for use in other locations.

Staff will report back to the City Council with an assessment of the pilot program and recommendations for further permanent seating enhancements.

IMPACT ON CITY RESOURCES

There is no expected net fiscal impact to the Capital Improvement Program Fund as a result of this action. There is an equivalent amount of funding in the Downtown Streetscape Improvement Project (Specific Plan) slated for next fiscal year. These

funds will not be necessary if this appropriation is approved and can be administratively returned to fund balance during the year end closing process.

The appropriation of \$30,000 will allow for the scope of work necessary to complete the pilot program. The planters will be delivered and setup by the company that the City is purchasing them from. Staff will likely amend an existing contract with one of our landscaping contractors for installation of the soil and trees.

POLICY ISSUES

The pilot program has been developed in line with the goals and policies of the El Camino Real/Downtown Specific Plan as well as the City Council's goals for enhancing vibrancy Downtown and expediting public improvements.

ENVIRONMENTAL REVIEW

Council approval of this project includes a finding that it is categorically exempt under Class 4 (Section 153014 "Minor Alterations to Land") of the current CEQA Guidelines.

PUBLIC NOTICE

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS

- A. Santa Cruz Avenue Enhanced On-Street Seating Pilot Program Design
- B. Example Railing Detail
- C. Example Planter Detail

Report prepared by:

Jim Cogan

Economic Development Manager

EXCERPTS FROM RULES OF SELECT CITY AND COUNTY GOVERNMENTS RELATING TO CITIZEN COMMENT AND PARTICIPATION IN PUBLIC MEETINGS

City of Gainesville
Resolution No. 090253
Adopted August 6, 2009

RULE XI.

RULES OF DEBATE

The following Statement will be required on all City Commission Agendas: "Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs, Props, and posters are not permitted in the meeting room except provided in Rule XIII. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-mail that will become public record. (In some instances, i.e. Quasi-Judicial Hearings, these particular contacts may be prohibited.)"

Rule XIII.

Persons Appearing before the Commission

I. Citizen Comment

- A. Citizen Comment is limited to issues not located on other portions of the printed agenda.
- B. Time Limits will be established by the Mayor based on the number of participants. Maximum of five (5) minutes per participant.
- C. Participants are required to fill out a form at the meeting.

II. Generally Speaking

- A. Any person desiring to address the Commission on any matter pending before it shall first request recognition by the presiding officer. After being recognized, the person (1) give his/her name in an audible tone of voice; (2) shall limit the address to three or five minutes; and (3) address all remarks to the Commission as a body and not to any member thereof; (4) shall address the motion being considered.
- B. No person other than a member of the Commission and 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 question shall be

asked except through the presiding officer.

C. If any person in any way interferes with or interrupts the orderly procedure of the Commission, or any Commissioner, or the person speaking who has been properly recognized by the presiding officer, the person shall be subject to removal from the Commission room.

D. The Commission or the Chair may adopt a time limitation relating to opponents and proponents speaking to any particular issue.

III. Public Hearings

A. Citizens wishing to speak on public hearing items may be required to fill out a card and forward it to the Clerk of the Commission. Should more than ten (10) speakers want to participate on any particular item, registration cards will be strongly considered.

B. Citizens should follow all of the guidelines in Section II above, where appropriate.

IV. Decorum

Order must be preserved. Members of the public are not permitted to possess food, drink, props, signs, posters, or other similar material in the meeting room. Speakers at the podium addressing the Commission may use PowerPoint as part of their presentation provided the Clerk of the Commission is provided a copy at least seven hours prior to the presentation. Speakers may also use the City's overhead system or use displays or props (hereinafter "demonstrative exhibits") as part of a presentation as long as the demonstrative exhibits, including PowerPoint, are not obscene and do not otherwise disrupt, delay, or interrupt the proceeding. Outbursts of approval or disapproval, jeers or heckling are not permitted. In the event of a disturbance or violation of this rule, the violator may, after warning, be ordered removed from the room as provided in Rule XVII Rules of the Commission, City of Gainesville.

City of Orlando
Title II – City Code
Chapter 2 – Administration
Article VIII. – Rules and Procedures for City Council

Sec. 2.44. - Manner of Addressing Council; Time Limit.

Each person addressing the Council shall step to the microphone on the lectern, shall give his name and address in an audible tone of voice for the records and shall limit his address to five (5) minutes, unless by majority vote of the Council such time is enlarged or contracted. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than a member of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No question shall be asked a Commissioner, except through the presiding officer.

Sec. 2.50. - Robert's Rules of Order.

Except as otherwise specifically provided, "Robert's Rules of Order" shall govern the meetings of the City Council.

City of Miami
Part II – The Code
Chapter 2 – Administration
Article II. – Mayor and City Commission

Sec. 2-33. - Order of business and rules of procedure.

(c) After approval of the minutes of the previous meeting(s), all business that shall come before the city commission shall be taken up in the order as such items of business appear on the city commission agenda in accordance with the following provisions:

(2) Only the mayor, members of the city commission and the city manager may place a citizen on the agenda. Any citizen shall be entitled to speak on any matter appearing on the agenda under the agenda portions entitled "consent agenda," "public hearings," and "public discussion."

(3) Any citizen shall be entitled to be scheduled on the agenda of a regular meeting of the city commission for presentation of information and material to be considered by the commission within the scope of the jurisdiction of the city commission after the city manager has communicated with the citizen and reviewed or investigated the citizen's issue, unless otherwise directed by the mayor or a member of the city commission. If the city manager is able to resolve or remedy the concerns of the citizen, the citizen may elect to withdraw the request to appear before the city commission. If the matter is not or cannot be resolved or remedied by the city manager, then, at the will of the citizen, the request for appearance shall be scheduled on the next available agenda and the city manager shall submit a report in the agenda packet detailing actions taken to resolve or remedy the matter and administrative recommendations.

(4) No citizen shall be entitled as a matter of right to address the city commission on any matter appearing on the agenda is not scheduled for public hearing or public discussion or which does not appear thereon as a result of his or her placement, as described in paragraph (c)(2) hereof; citizens so desiring to speak shall be allowed to speak only if permitted to do so by the presiding officer of the city commission and if such permission is not withdrawn by a majority of the commission members present.

(i) Unless further time to speak is granted by the presiding officer the city commission, any person addressing the commission shall limit his or her address to two minutes.

City of Tallahassee

City Commission Meeting Protocol – Public Speakers

(there is no resolution or ordinance in place to establish rules)

NOTE:

During the City Commission Mini-Retreat, held on November 30, 2011, the Commission expressed a desire to alter the current protocol of Regular Commission Meetings in order to allow citizens the opportunity to comment on agenda items prior to the items being voted upon. The Commission indicated a desire to create an additional 30-minute public comment period near the beginning of each Regular Meeting, for the next six months, after which time it will be evaluated. This item seeks to clarify these new procedures and protocols.

OPTIONS

1. Adopt a change to the Regular Commission Meeting protocol by creating a 30-minute "Citizen Input on Agenda Items" public comment period near the beginning of each meeting, to allow citizens to speak on agenda items prior to the City Commission voting on the items. Implement the new procedure starting December 14, 2011, allowing citizens to speak for up to three minutes each, with certain limitations stated herein. Review these changes in six months.

2. Adopt a change to the Regular Commission Meeting protocol by creating a 30-minute "Citizen Input on Agenda Items" public comment period near the beginning of each meeting, to allow citizens to speak on agenda items prior to the City Commission voting on the items. Implement the new procedure starting January 11, 2012, allowing citizens to speak for up to three minutes each, with certain limitations stated herein. Review these changes in six months.

3. Provide further direction to staff.

**City of Tampa
Tampa City Council
Rules of Procedure**

Adopted by Resolution

RULE 3. MEETINGS

B. REGULAR MEETINGS

(5) Thirty (30) minutes shall be allotted for Public Comment, with each person permitted to speak on matters not scheduled for a public hearing. Preference shall be given to speakers wishing to address numbered items on the agenda. Those speakers remaining after the allotted time shall have the opportunity to address City Council at the end of the meeting.

D. WORKSHOPS

(4) Public comment on the matter which is the subject of the workshop shall be taken, up to a total of thirty (30) minutes, at the end of each workshop agenda item; three (3) minutes per speaker. No official action on the matter which is the subject of the workshop shall be taken during or after a workshop unless the public is afforded the opportunity to comment prior to action.

RULE 4. PARLIAMENTARY POLICIES

- D. Council members should refrain from engaging a speaker in dialogue during Public Comment.
- L. Robert's Rules of Order Newly Revised shall govern the proceedings of the City Council in all cases not provided for in these Rules of Procedure.

RULE 5. CONDUCT OF BUSINESS

- A. No person shall be allowed to speak unless recognized by the Chair, or unless invited by a majority vote of the entire Council.
- B. Members of the public addressing Council should first identify themselves by full name and address. The Chair shall rule out of order any member of the public who shall speak without being recognized or who shall not address Council from the podium or other established speaker area. Comments shall be directed to the Council as a body and not to individual Council members.

- C. City Council may establish time limits for members of the public to address Council. Unless such time limit is otherwise established, each member of the public shall be limited to three minutes. Members of the public addressing Council shall observe all time limitations that may apply.
- D. During public hearings, individual members of the public, provided they are present in the audience, may designate a representative spokesperson to speak on their behalf at that public hearing and thereby relinquish their time to that spokesperson. Thereafter, they may not be heard on the agenda item for which designation was made. Such designation shall be made by signing a speaker's consent form. The representative spokesperson shall be allowed to speak for one (1) minute for each such designation up to a maximum of ten (10) minutes.
- E. Signs or graphic displays of any kind shall not be displayed in Council Chambers or Council Lobby except in connection with a presentation made to Council by a speaker at the podium.
- F. No member of the audience shall, during a Council Meeting, intentionally make or cause to be made any disruptive sound or noise.
- G. No weapons or objects that may be used as weapons shall be allowed in the Council Chambers. Persons, bags, packages and parcels entering Council Chambers are subject to search.
- H. All persons shall at all times conduct themselves in accordance with Council rules, and failing such shall be ruled out of order and may be directed to be removed from the Council Chamber. In the event of such removal, such person shall not thereafter be readmitted to the Council Chamber or City Hall during the same meeting.
- I. Commendations and other Ceremonial Matters should be scheduled to coincide with the monthly date scheduled for City Council workshops.

City of Fort Lauderdale

(there is no resolution or ordinance in place to establish rules)

**CITY OF FORT LAUDERDALE
APPLICATION FOR CITIZEN PRESENTATION FIRST MEETING OF THE MONTH
CITY COMMISSION REGULAR MEETING (6:00 P.M.)**

This is the only (one page) form that is required to address the Commission at a regular meeting and the rules are set forth in this application.

IMPORTANT INFORMATION:

- Speakers will be afforded the opportunity to address the Commission at the first Regular Commission Meeting of each month.
- Speakers will be allowed a maximum of three (3) minutes to address the City Commission. (If more than one speaker will be making your presentation, a total of 3 minutes will be allotted for such presentation.)
- The promoting, advertising or marketing of any product or service is prohibited.
- A maximum of five (5) applications will be accepted for any City Commission meeting. All other applications received will have the option of being scheduled for a future meeting. *APPLICATIONS WILL BE REVIEWED/ACCEPTED ON A FIRST COME, FIRST SERVED BASIS. IF A SPEAKER HAS ALREADY SPOKEN THE PREVIOUS MONTH AND MORE THAN FIVE (5) APPLICATIONS ARE RECEIVED, THEN SUCH SPEAKER WILL BE SCHEDULED FOR THE FOLLOWING MONTH IN ORDER TO GIVE NEW SPEAKERS THE OPPORTUNITY TO BE HEARD.*

Alachua County Board of County Commissioners

Rules of Procedure

Final Board Rules 1/24/12

SECTION I - PUBLIC PARTICIPATION IN COUNTY GOVERNMENT

1: Commission Meetings -Open to the Public. All meetings of the Alachua County Commission, and of committees thereof, shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section 286.011, F.S.

2: Appearance Before the Commission. Persons desiring to address the Commission on a matter pending before it, or which needs the attention of the Commission, may do so upon recognition and introduction by the Chair. To ensure that everyone has a fair opportunity to participate, these procedures will be followed:

(a) After being recognized, the person should:

- step up to the speaker's rostrum and give her/his name;
 - unless further time is granted by the Chair, limit the comments to five minutes;
 - address all remarks to the Commission as a body, and not a member thereof; and
 - make comments and present documents to the Commission and the Commission's Clerk.
- Speakers should make comments concise and to the point, and present any data or evidence they wish the Commission to consider. No person may speak more than once on the same subject unless granted permission by the Chair.

(b) The Commission may discuss the matter, assign it to a committee, refer it to the manager and/or attorney for review and comment, question the speaker and/or take other appropriate action.

(c) No person other than a member of the Commission, and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chair. No question may be asked except through the Chair.

3: Public Comments and Inquiries.

Persons may address the Commission on items not on the agenda during the Public Comment periods. The Commission shall not take final action on public comment items presented at the same meeting unless it waives its Rules of Procedure. When inquiries and comments are brought before the Commission, other than for items already on an agenda, the Chair may first determine whether the issue is legislative or administrative in nature and then:

- (a) If legislative, and the complaint is about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Commission finds consideration of such suggestions advisable, the Commission may refer the matter to a committee, to the Attorney and/or Manager for review and recommendation, or may take other action it deems appropriate.
- (b) If administrative, and the complaint is regarding the performance of administrative staff, administrative interpretation of legislative policy, or administrative policy within the authority of the County Manager, the Chair should then refer the complaint directly to the County Manager for her/his review, if said complaint has not been so reviewed. The Commission may direct that the County Manager report to the Commission when her/his review is completed.
- (c) The Chair may also assign to a Commissioner issues that require additional examination. If so assigned, the Commissioner shall provide a report to the Commission when the examination is complete.

- **Time Certain Items**

- A. Public Comments 9:30 a.m. - Forty-five minutes will be allotted for comments. Fifteen minutes will also be allotted at the end of each meeting. Persons who did not speak during the first public comment period will have the opportunity to do so.

Any person may address the Commission under this agenda section. The County Commission shall not take final action at the same meeting on items addressed under this section unless the County Commission waives its Rules of Procedure.

Miami – Dade County Florida,
Code of Ordinances, Part III, Chapter 2 – Administration, Article 1. – In General
Sec. 2-1. – Rules of procedure of County Commission.

Rule 6.02. Citizens' Presentations; Public Hearings

- (a) Citizens' Presentations. Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the commission and be heard concerning any matter within the scope of the jurisdiction of the commission. Only commissioners and the county manager may place a citizen on the official agenda. The deadline for placing a citizen on the agenda is noon on Monday of the week preceding the week of the meeting at which said citizen wishes to be heard. No action may be taken by the commission on an item heard as a citizen's presentation unless two-thirds (2/3) of the members present deem that the issue requires immediate commission action.
- (b) Public Hearings. Any citizen shall be entitled to speak on any matter appearing on the official agenda under the section entitled 'public Hearings'.
- (c) Public Discussion on Agenda Items. No citizen shall be entitled as a matter of right to address the commission on any matter listed on or added to the official agenda which is not scheduled for citizen's presentations, public hearing, discussion or debate.

Rule 6.03 Registration of speakers.

- (a) The office of agenda coordinator shall prepare appropriate registration cards which should indicate the speaker's name, the agenda item on which he or she is speaking, and whether he or she is speaking in favor of or against the proposed item.
- (b) On the day of the Commission meeting, a person desiring to speak shall register with the Office of the Agenda Coordinator, at least fifteen (15) minutes prior to the commencement of the discussion on the item, at a registration table in the lobby of the Commission Chambers.
- (c) Failure to comply with the registration provisions of this rule shall prohibit a person from speaking on any item for which he or she is not properly registered.
- (d) In the event that the seats in the Commission Chambers are filled to capacity, the Office of the Agenda Coordinator shall provide appropriate overflow seating in an area where the Commission meeting is being monitored on television.

Rule 6.04 Addressing Commission, manner, time.

Each person, other than salaried members of the County staff, who addresses the Commission shall step up to a podium and shall give the following information in an audible tone of voice for the minutes:

(a) Name;

(b) Address;

(c) Whether the person speaks on his or her own behalf, a group of persons, or a third party; or if the person represents an organization; and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council;

(d) Compensation, if any;

(e) Whether the person or any immediate family member has a personal financial interest in the pending matter, other than as set forth in (d).

Unless further time is granted by the Commission, the statement shall be limited to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than Commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Presiding Officer. No question shall be asked a Commissioner except through the Presiding Officer.

Hillsborough County Commission

Board Policy – Section Number: 01.01.00.00

Rules of Order – Board of County Commissioners – Hillsborough County, Florida

Rule 17. WORKSHOP MEETINGS.

Generally, public comment will not be allowed during a BOCC Workshop Meeting. However, a citizen may provide written comments on a Workshop issue to the County Administrator at least a week in advance of the Workshop Meeting which will be provided to BOCC members as part of the Workshop Agenda Materials. Public comment may be allowed at the discretion of the presiding officer, but will be no more than three (3) minutes for each person unless the presiding officer wishes to extend the time limit.

Rule 19. PUBLIC HEARINGS.

Public Hearings will be held as necessary to receive public comment on matters of special importance or as prescribed by law. Notice of Public Hearings shall be as directed by Florida Statute and Hillsborough County ordinances. Public comment will be limited to three (3) minutes for each person unless the presiding officer wishes to extend the time limit or unless otherwise provided for by statute or ordinance.

Rule 25. PUBLIC COMMENT.

During the morning session of its regular meetings, the Board designates a 45-minute period for public comment. Any person wishing to address the Board during the designated public comment period must complete and turn in a Public Comment Form. During the public comment period, the Chairman shall recognize persons who have turned in Public Comment Forms, and those 8 persons may, as their name is called, approach the podium and address the Board. Speakers may address the Board regarding any scheduled agenda item or any nonagenda matter(s) of personal or general concern. Speakers addressing scheduled agenda items shall be heard first; otherwise, speakers shall be heard in the order in which they submitted a Public Comment Form. Each speaker may address the Board for no more than three (3) minutes, although the Chairman has the discretion to grant additional time to any speaker. Should the 45 minutes designated for public comment be insufficient to accommodate all persons who have completed and turned in a Public Comment Form, the Board may extend the public comment period or may hear public comment at the end of that day's meeting.

If a Commissioner wishes to discuss or comment on any issue raised during public comment, the Board may either refer the issue to the County Administrator or continue the item to the end of the agenda for further discussion. This will assure that the 45 minutes designated for input from the public is not unduly interrupted.

Speakers shall refrain from disruptive behavior, and from making vulgar or threatening remarks. Speakers shall refrain from launching personal attacks against any commissioner, county staff member, or member of the public. The Chairman shall have the discretion to have any speaker who disregards these rules removed from the Boardroom for the remainder of that day's meeting.

Orange County

Part 1 – Charter, Article II. – Legislative Branch: Board of County Commissioners

Sec. 209. – Meetings.

- B. *The right to be heard and the right to public input.* Any citizen has the right to appear before the board on an agenda item for the presentation, adjustment or determination of an issue, matter or request within the county's authority and jurisdiction, so far as the orderly conduct of public business permits. Matters shall be reasonably scheduled for the convenience of the general public, and specific portions of each agenda shall provide for designated times so that the public may know when a matter has been scheduled. In addition, to encourage and ensure citizen participation in county government and to afford citizens an opportunity to speak to the board, the board shall set aside at least fifteen (15) minutes at the beginning of each regular meeting of the board for citizens to speak to the board on any matter of public interest under the board's authority and jurisdiction regardless of whether the public issue is on the board's agenda. The provisions of this subsection, however, shall not be construed to supersede, supplement, or modify any citizen participation process established in state law for public hearings before the board, such as the procedures for quasi-judicial hearings. Nor shall the provisions of this subsection be used to avoid, supersede or modify the county's procurement and lobbying ordinances, including, but not limited to, the "protest process" and the "black-out period."

Leon County

Board of County Commissioners

Leon County, Florida

Policy No. 01-05

Title: Rules of Procedure for Meetings of the Leon County Board of County Commissioners

V. Order of Business

E. Citizens to be Heard on Non-Agendaed Items (first). On the portion of the agenda designated as the first "Citizens to be Heard on Non-Agendaed Items" (3-minute limit; non-discussion by Commission), there shall be no debate and no action by the Commission.

G. Scheduled Public Hearings, 6:00 p.m. Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required pursuant to Section V, Subsection K (Placing Items on Agenda) of this policy. Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular Board meetings, public hearings shall be heard at 6:00 p.m., or as soon thereafter as is possible. This time designation is intended to indicate that an item will not be addressed prior to the listed time. Individual speakers are encouraged to adhere to a three (3) minute time limit when speaking on issues scheduled for public hearing. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers.

H. Citizens to be Heard on Non-Agendaed Items (second). On the portion of the agenda designated near the end of the meeting as the "Citizens to be Heard on Non-Agendaed Items" (3-minute limit), there may be debate by the Commission, but the Commission shall take no policy action except to agenda the topic for a later date or by a unanimous vote of the Board.

IX. Citizen Input: Addressing the Board of County Commissioners.

A. Citizen Input. The Board recognizes the importance of protecting the right of all citizens to express their opinions on the operation of County government and encourage citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner.

B. Non-Agendaed Inquiries.

1. At regularly scheduled County Commission meetings, the Board provides two comment periods for citizens to speak on non-agendaed items. These public comment periods are denoted on the agenda as "Citizens to be Heard on Non-Agendaed Items." The remarks of each speaker at the initial comment period shall be limited to no more than three (3) minutes, unless the Chairman extends the time. Any citizen who did not speak during the first citizen comment period shall have the opportunity to speak during the second comment period. The remarks of each speaker at the

second comment period shall be limited to no more than three (3) minutes. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers.

2. Any citizens who have non-agendaed inquiries at regularly scheduled County Commission meetings will be directed to prepare a Citizen Inquiry Form to gain all the necessary information.
3. The matter will then be addressed by staff in the ensuing days, and the County Administrator or County Attorney shall report back to the Board of County Commissioners by written memorandum.
4. If the inquiry is unable to be addressed or resolved by staff, an appropriate agenda item will be prepared by the County Administrator or County Attorney if a change in policy, procedures, or ordinances is required and recommended by staff in order to address the general subject matter of the inquiry.
5. This procedure shall not be used if "appeal" mechanisms already exist to address the inquiry.

C. Citizen Input on a Matter Pending Before the Commission. Each person who addresses the Commission on an agenda item pending before the Commission shall complete a citizen's input card and submit the card to the receptionist or to the Chairman. The remarks of each speaker shall be limited to no more than three (3) minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers.

D. Public Input at Workshops. Citizen input at Commission Workshops is not permitted unless an individual is called upon by the Chairman. In such case, each person who addresses the Commission shall complete a citizen's input card and submit the card to the receptionist or to the Chairman. The remarks of each speaker shall be limited to no more than three (3) minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers. The Commission itself may also vote to allow public input on a particular matter.

E. Addressing the Commission.

1. When the person's name is called, the person shall step up to the speaker's lectern and shall give the following information in an audible tone of voice for the minutes:
 - (a) name;
 - (b) place of residence or business address;
 - (c) if requested by the Chairman, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.
2. All remarks shall be addressed to the Commission as a body and not to any member thereof.
3. No person, other than a member of the Commission, and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chairman. No question may be asked except through the Chairman.
4. Speakers should make their comments concise and to the point, and present any data or evidence they wish the Commission to consider. No person may speak more than once on the same subject unless specifically granted

permission by the Chairman.

F. Decorum

1. Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Commission, or disturb any person having the floor. No person shall refuse to obey the orders of the Chairman or the Commission. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Commission shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chairman and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chairman, unless permission to continue or again address the Commission is granted by the majority of the Commission members present.
2. If the Chairman or the Commission declares an individual out of order, he or she will be requested to relinquish the podium. If the person does not do so, he or she is subject to removal from the Commission Chambers or other meeting room and may be arrested by the Sheriff subject to Section 810.08(1), Florida Statutes.
3. Any person who becomes disruptive or interferes with the orderly business of the Commission may be removed from the Commission Chambers or other meeting room for the remainder of the meeting.

Broward County
General Rules and Procedures for Public Participation at Commission Meetings

WHO MAY SPEAK

Any individual who wishes to address the County Commission on any subject within the scope of the Commission's authority must fill out a speaker form located on the Dais and furnish it to the Deputy Clerk prior to the beginning of the meeting. Please include the speaker's name, address, telephone number, the number(s) of the subject agenda item(s), and reason for discussion. See specific situations, below, for additional information and rules of procedure. The Mayor will call for speakers, at the appropriate time. Please wait to be called upon, before coming to the podium to speak.

SPEAKING ON ITEMS ON THE AGENDA

Consent Agenda Items - These are items that the Commission does not need to discuss individually; items are voted on as a group.
Regular Agenda Items - These are items that the Commission will discuss individually in the order listed on the agenda, prior to voting on each item. Upon occasion, the Mayor may change the order in which items are addressed. It is the responsibility of the person wishing to speak to keep track of when the item will be heard. Once an item has been called, no further speaker sign-up will be permitted.

If the subject you wish to address is not on the agenda or part of an agenda item, you must submit a Delegation Request to address the Board of County Commissioners.

SPEAKING ON SUBJECTS NOT ON THE AGENDA

Any individual shall be entitled to be placed on the official agenda of a regular meeting of the Commission and be heard concerning any matter within the scope of the Commission's jurisdiction through a Delegation Request. To make a Delegation Request, submit a letter to the County Administrator at least two (2) weeks in advance of the meeting at which they wish to appear. Send it to the County Administrator, Governmental Center, 115 S. Andrews Avenue, Room 409, Ft. Lauderdale, FL 33301. Please include an address, phone number(s) and e-mail address where the speaker can be reached. Back-up materials, if any, must be included with the original Delegation Request. Late distribution of such material or distribution to other individuals or groups without furnishing advance copies to the Board of County Commissioners may result in deferral of the speaking opportunity to a future meeting, in order to allow the Board an opportunity to review the material before the discussion.

Each delegation will be notified of the scheduled appearance date and time. Please indicate in your request the manner in which you wish to receive notification. Hard copies of the agenda will be available in the meeting room, on the day of the meeting, and electronic copies are available in advance at: www.broward.org/Commission/Pages/Meetings.aspx.

SPEAKING AT PUBLIC HEARINGS

Any member of the public may participate in the discussion held at public hearings. Discussion is limited to the subject being discussed, as listed on the Agenda.

DECORUM

Each speaker shall, when recognized by the Mayor or other presiding officer, step up to the speaker's lectern and state his/her name, address, who she/he represents, and, if asked, whether he/she is being compensated by the persons(s) or organization(s) for which she/he speaks. The Mayor establishes the length of time allotted to speak. Three minutes is the usual time allocated for each speaker. Multiple speakers signed up to address the Commission on the same item or topic cannot consolidate their individual time allocations or yield their time to another speaker. No catcalls from the audience, no booing, and no applause before, during or after a speaker's comments will be tolerated. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the Commission is granted by majority vote of the Commission members present. Any person who refuses to stop talking or yield the floor upon expiration of the time allotted by the Mayor may be physically removed by security or law enforcement officials.

Meetings are conducted pursuant to the Broward County Administrative Code, Chapter 18, Part I.

18.6. - Public Participation.

a. *Addressing Commission; Manner; Time.* Each person, other than salaried members of the county staff, who addresses the Commission shall step up to the speaker's lectern and shall give the following information in an audible tone of voice for the minutes:

1. His or her name;
2. At the discretion of any Commissioner, he or she may also be asked to state:

(a) Whether the person speaks for himself or herself, a group of persons, or a third party. If the person states that he or she represents or speaks on behalf of another entity or individual(s), he or she shall be asked to provide documentary proof of that assertion or make that assertion under oath or affirmation

Otherwise, and in the absence of any such proof, oath, or affirmation, it shall be presumed that the individual represents only his or her own personal interests; and

- (b) Whether the speaker is being compensated by the person or persons for whom he or she speaks. The speaker

shall limit his or her address to the time limit set by the Mayor. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than Commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Mayor.

b. *Oath or Affirmation.* Any person who is to give factual testimony in connection with a solicitation, contract, award, or any other procurement-related matter shall be asked to take an oath or affirmation prior to speaking. If that person refuses to do so, any factual representations made by that person may be given less credence than if made under oath or affirmation.

c. *Decorum.* Any persons making impertinent or slanderous remarks or personal attacks or who becomes boisterous while addressing the Commission shall be barred from further audience before the Commission by the Mayor, unless permission to continue or again address the Commission is granted by the majority vote of the Commission members present.

Radson, Marion J.

From: Cooper, Christopher E.
Sent: Tuesday, May 05, 2009 2:28 PM
To: Hanrahan, Pegeen; Lannon, Kurt M.; Brown, Neomia B.; 'espughot@gmail.com'
Cc: Lowe, Craig; citycomm; Radson, Marion J.; Godshalk, Brent L.; Blackburn, Russ D.
Subject: RE: City Commission Rules Input

The Mayor's recollection of the decision made by the Audit, Finance and Legislative Committee is correct. The amended version of the City Commission rules including the Committee's input is included with the May 7th item in a file titled 080938_Commission Rules_20090507. This version does not include the language regarding the Commissions ability to take official action during citizen comment. I believe the draft that Ms. Pugh is referring to is the backup from the March 30th Audit, Finance and Legislative Committee. Both are included in Legistar as the item's legislative history.

Chris

Christopher Cooper
Legislative Affairs and Grants Coordinator
City of Gainesville, Florida
City Hall, Station 6
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(352) 334-5010 x5872
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Office Hours: M - TH, 7 a.m.- 6 p.m.

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From: Hanrahan, Pegeen
Sent: Tuesday, May 05, 2009 1:44 PM
To: Lannon, Kurt M.; Brown, Neomia B.; 'espughot@gmail.com'
Cc: Lowe, Craig; citycomm; Cooper, Christopher E.; Radson, Marion J.; Godshalk, Brent L.; Blackburn, Russ D.
Subject: Re: City Commission Rules Input

Hello All -

It was not my recollection that we expressed intent to make it impossible to take commission action during citizen comment. I recall saying that this would unnecessarily drag out simple resolution to some issues. I had thought we were to amend the rules only in those areas that there would be little dissent, and to leave the other changes proposed in the Audit Committee for further discussion. If this is not what resulted then I do think we may wish to discuss it either at the full commission or back in Audit and Finance.

Pegeen

From: Lannon, Kurt M.
To: Brown, Neomia B.; 'Emily Pugh' <espughot@gmail.com>
Cc: Lowe, Craig; citycomm; Cooper, Christopher E.; Radson, Marion J.; Godshalk, Brent L.; Blackburn, Russ D.
Sent: Tue May 05 12:56:10 2009
Subject: RE: City Commission Rules Input

5/5/2009

This item is scheduled for discussion on the consent agenda at 1:00PM and could be discussed there.

Alternatively we would need a Commissioner to pull it off consent which would normally place it later in the afternoon.

I am copying Chris Cooper on this e-mail as he was the staff person who worked on this project through the Audit/Finance Committee process so he can be available if needed.

KL

From: Brown, Neomia B.
Sent: Tuesday, May 05, 2009 11:07 AM
To: 'Emily Pugh'
Cc: Lowe, Craig; Lannon, Kurt M.
Subject: RE: City Commission Rules input

Good Morning Ms. Pugh,

Your e-mail correspondence has been received by the Mayor and members of the City Commission and it has been forwarded to the Clerk of the Commission for a response. Follow-up information will be provided as it is received. Thank you for your time in this matter.

Neomia Brown
Executive Assistant to the City Commission

Note: "The City of Gainesville has a lobbyist registration form; please click [Lobbyist Information](#) for more information".

From: Emily Pugh [mailto:espughot@gmail.com]
Sent: Tuesday, May 05, 2009 10:28 AM
To: citycomm
Subject: City Commission Rules input

As a voting citizen of the City of Gainesville, I am requesting that the "**City Commission Rules/Government Efficiency**" item be removed from the Consent Agenda and discussed in the regular meeting, that the six month deadline be omitted, and that the Commission retain its power to make referrals during the Citizen Comment portion of the meeting. The proposed changes to the rules governing the City Commission meetings would, in effect, disempower the citizens of the city.

Thank you for your consideration.

Sincerely,
Emily S. Pugh

5/5/2009



MEMORANDUM
Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: Nicolle
FROM: Becky
SUBJECT: City of Orlando – Citizen Comment

DATE: August 20, 2012

This memo addresses the following questions:

1. Does the City of Orlando televise citizen comment live?
2. If the City of Orlando does not televise live citizen comment, does it televise the recorded citizen comments in a different format e.g. internet, hyperlink from agenda?

Short Answer

City of Orlando **does not** televise citizen comment that is “unscheduled” and **not related** to a scheduled agenda item.

City of Orlando **does** televise citizen comment that is **related** to a scheduled agenda item.

Discussion

I spoke with Ridge, Aid to City Clerk (407-246-2893). She indicated that the City does not televise public comment (City’s term for citizen comment), live or by any other means. She indicated that the public comments may be available internally, but they do not provide them to the public. The public comment is listed on the City Council’s agenda and minutes as “General Appearances” and is the last item. The Mayor will adjourn the meeting, the live broadcast will stop, and then the Council hears public comment. She did indicate that the minutes will reflect who spoke and the subject that they spoke about. The City does not have internet broadcasting with the agenda with a hyperlink to a specific agenda item and watch the recorded meeting.

I spoke with Michael McCarthy, Supervisor of Interactive Programs (407-246-3421). He indicated that the City permits public comment if a particular item is on the agenda. The public is allowed to comment during the time the agenda item is being discussed. The City does not televise public comment relating “unscheduled” items. These items are addressed at the end of the meeting. The Mayor will close the meeting, come back and address the public comment. He states that they stop the live broadcast, but the video will still run recording the public comment. You can obtain the video from the Clerk’s office. They do not replay the public comment of the “unscheduled” items on the television and internet.

I printed the December 12, 2011 agenda and minutes and reviewed a YouTube recording of the meeting.

Televised Public Comment Example:

The minutes for item number 12-2 (page 13) stated “the following member of the public spoke before the Council:....” then lists the public speaker. I confirmed, by watching the recorded meeting on YouTube, these speakers did speak and were televised.

Non-Televised Public Comment Example:

The minutes for item number 18 (page 15). General Appearances indicated that 4 people spoke about various topics. I confirmed, by watching the recorded meeting on YouTube, these speakers were not televised.

