

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF  
THE CITY OF HOLLYWOOD, FLORIDA, AMENDING  
THE RULES OF PROCEDURE FOR THE  
GOVERNING OF CITY COMMISSION MEETINGS.

WHEREAS, under the provisions of City of Hollywood Charter §2.04(d), the Commission may determine its own rules of procedure; and

WHEREAS, on February 19, 2014, the City Commission passed Resolution No. R-2014-043, which is the latest version of its rules of procedure; and

WHEREAS, the City Commission wishes to amend its rules of procedure to allow any Commission member who is absent from a Commission meeting because of illness to participate in the meeting by telephone if a quorum of the Commission is physically present at the meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the Rules of Procedure for the governing of City Commission Meetings are hereby amended to read as follows:

**Meeting Times.**

Regular City Commission meetings are scheduled to be held on the first and third Wednesday of each month other than August, beginning at 1:00 P.M.

**Agenda for the City Commission.**

The City Manager or his or her designee shall direct the City Clerk to prepare an agenda for each meeting of the Commission. To the greatest extent possible, the agenda, with accompanying backup materials, shall be available for distribution on the Friday prior to the meeting.

Items shall be placed on the agenda by the City Manager, the City Attorney, or any two members of the City Commission. Agenda items shall be submitted to the City Clerk fourteen days prior to the Commission Meeting, except in unusual circumstances, and shall be limited to matters that are within the jurisdiction of the City Commission. The City Manager shall organize the agenda in an orderly way to minimize delays on public hearing items. When deemed appropriate by the City Manager or requested by a Commissioner, agenda items may be set to be heard at a "time certain" (i.e. not earlier

(Coding: Words and figures underlined are additions to the existing resolution; words and figures struck-through are deletions from the existing resolution.)

than that time). The setting of multiple "time certain" items at the same time shall be kept to a minimum. The City Manager shall place as many items as possible and appropriate on the consent agenda. Commissioners shall attempt to have any questions regarding consent agenda items resolved prior to the Commission meeting. Additional items, not part of the agenda published by the City Clerk, shall require a five-sevenths (5/7ths) vote of the City Commission in order for the additional item to be approved; provided, however, that any such item that would otherwise require a unanimous vote shall still require a unanimous vote.

Printed material shall not be distributed directly to the City Commission at the Commission Meeting by citizens or employees. If it is necessary to distribute any additional printed documents to the Commission on the day of the Commission Meeting, fifteen copies of the printed material shall be delivered to the City Clerk, for distribution to the City Commission, City Manager, City Attorney and City Clerk.

A copy of the agenda shall be made available to the public. Designated City of Hollywood personnel shall deliver agendas to target points throughout the City when they are printed. An Information Rack containing copies of the agenda for the public shall be placed inside the City Clerk's Office.

A copy of the agenda shall be shown on the local cable television and appear on the City's Internet home page as soon as it is printed.

The follow-up report to the City Commission agenda items shall continue in its current format, and staff shall continue to provide solutions to the issues. The follow-up report shall be available in the City Clerk's Office.

#### **Participation by Member of City Commission who is Absent Because of Illness**

If a quorum of the City Commission is physically present at a City Commission meeting, a member of the City Commission who is absent from the meeting because of illness will be allowed to participate and vote by telephone.

#### **Proclamations, Awards and Presentations.**

Proclamations, awards and presentations will be made during the regular City Commission meetings at a time certain designated by the City Manager.

#### **Disclosure of Real Estate Interests and Business Relationships.**

It is the intent of this section to impose disclosure requirements in addition to those imposed by state law.

In addition to any other disclosure requirements set forth herein, a City Commissioner shall orally disclose, prior to an agenda item being considered, any written

or oral communications he/she has had with any; interested party, lobbyist, agent or representative, relating to the agenda item being considered. Said communications shall exclude communications with the City Attorney, City Manager or any City staff.

When an agenda item involves the use or development of land, each member of the City Commission, the City Manager, the Assistant City Manager, the City Attorney, the Deputy City Attorney, and the director and assistant director(s) of each City department and City office shall disclose orally, at the time the City Commission begins to discuss the item, or in writing to the City Clerk prior to the publication of the agenda, any significant interest (as defined below) that such City official or employee or any relative (as defined below) of such City official or employee has in land located within 300 feet of the land that is the subject of the item.

When an agenda item involves an invitation for bids, request for proposals, request for qualifications, request for letters of interest, or other competitive solicitation, each member of the City Commission, the City Manager, the Assistant City Manager, the City Attorney, the Deputy City Attorney, and the director and assistant director(s) of each City department and City office shall disclose orally, at the time the City Commission begins to discuss the item, or in writing to the City Clerk prior to publication of the agenda, any client or business relationship that such City official or employee or any relative (as defined below) of such City official or employee has with any business entity that has submitted a response to the competitive solicitation.

As used in this section, "significant interest" means ownership of more than 5 percent of the value of the land. As used in this section, "relative" means father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

### **Public Comment Before the Commission.**

Meetings of the City Commission are open to the public. State law requires the City Commission to give members of the public a reasonable opportunity to be heard on most items that come before the City Commission. Public comments on other items are at the discretion of the City Commission. Before the Commission has discussed an item that will be subject to public comment, whether required by state law or allowed at the discretion of the Commission, the Mayor shall inquire as to whether there are any comment cards from citizens who wish to speak on the matter. Citizens shall be limited to a 3 minute time period. With the consensus of the Commission, the time period may be reduced to 2 minutes if more than 10 citizens wish to speak on an item. No citizen's time shall be transferable to any other person. Once the public comment period on the issue is closed and the Commission begins its discussion, no further public comment shall be heard.

Notices shall be prominently posted in the City Clerk's office, clearly defining the procedures to be followed by the citizens who wish to speak on agenda items.

Citizen input at all public meetings shall deal with administrative issues, and harassing, obscene, untruthful, slanderous comments regarding personnel and elected officials shall not be tolerated. Speakers shall refrain from soliciting for politically funded events or campaign related issues at all public comments.

Persons who wish to speak before the Commission on any item, which calls for public comment shall, on the day of the Commission meeting, complete a comment card with his/her name, address, and phone number, a description of the item he/she wishes to speak on and whether he/she speaks for or against the issue. Comment cards will be issued by the City Clerk or her designee, directly to the person presenting the comments. Only one comment card will be issued to a person per agenda item. Comment cards must be received by the City Clerk within the first five minutes after the public comment on an agenda item has been opened or prior to the close of public comment, whichever comes first. Any person turning in a card after that time will not be permitted to speak on that item. When called by the Mayor to address the Commission, the speaker shall step up to the speaker's podium and shall give the following information in an audible tone of voice for the minutes:

- (a) name;
- (b) address;
- (c) his/her status as a paid lobbyist or as a representative of another for compensation, if he/she speaks in that capacity;
- (d) whether speaking for or against the issue; and, if requested by any Commissioner, may be required to state:
  - (i) whether he/she speaks for themselves, a group of persons, or a third party; if the person says that he/she represents an organization, whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council;
  - (ii) whether he/she is being compensated by the person or persons for whom he/she speaks; and
  - (iii) whether he/she or any member of his/her immediate family has a personal financial interest in the pending matter, other than set forth in (ii).

### **Public Hearing Period**

Public hearings that are scheduled for a specific time on the agenda will be heard at that time or as soon thereafter as possible. The Public Hearing will be noticed according to State Statutes and City Codes. Citizens will be limited to a 3 minute time period to speak during the public hearing portion of the meeting. With the consensus of

the Commission, the time period may be reduced to 2 minutes if more than 10 citizens wish to speak on an item. No citizen's time shall be transferable to any other person. Once the public hearing period on the issue is closed and the Commission begins its discussion, no further public comment shall be heard.

Notices shall be prominently posted in the City Clerk's office, clearly defining the procedures to be followed by the citizens who wish to speak on public hearing agenda items.

Citizen input at all public hearing meetings shall deal with administrative issues, and harassing, obscene, untruthful, slanderous comments regarding personnel and elected officials shall not be tolerated. Speakers shall refrain from soliciting for politically funded events or campaign related issues at all public meetings.

Persons who wish to speak at the public hearing shall, on the day of the Commission meeting, complete a comment card with his/her name, address and phone number, a description of the item on which he/she wishes to speak and whether he/she speaks for or against the issue. Comment cards will be issued by the City Clerk or her designee, directly to the person presenting the comments. Only one comment card will be issued to a person per agenda item. Comment cards must be received by the City Clerk within the first five minutes after the start of the public hearing on an agenda item. Any person turning in a card after that time will not be permitted to speak on that item. When called by the Mayor to address the Commission, the speaker shall step up to the speaker's podium and shall give the following information in an audible tone of voice for the minutes:

- (a) name;
- (b) address;
- (c) his/her status as a paid lobbyist or as a representative of another for compensation, if he/she speaks in that capacity;
- (d) whether speaking for or against the issue; and, if requested by any Commissioner, may be required to state:
  - (i) whether he/she speaks for himself/herself, a group of persons, or a third party; if the person says that he/she represents an organization, whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council;
  - (ii) whether he/she is being compensated by the person or persons for whom he/she speaks; and
  - (iii) whether he/she or any member of his/her immediate family has a personal financial interest in the pending matter, other than as set forth in (ii).

### **City Commission Comment Period**

The agenda for each Regular Commission Meeting shall include an item designated as "Comments by the City Commission, City Attorney & City Manager." The comments during this portion of the meeting shall be limited to five minutes per Mayor/Commissioner.

### **Citizens' Comment Period**

(a) A period of thirty minutes for Citizens' Comments shall be designated on the agenda for the Regular Commission Meeting that is held on the third Wednesday of each month (except August) for citizens to speak. There shall be no duplication of issues, which were heard as specifically agendaed items. A three minute time limit shall be enforced and the buzzer shall sound when speakers exceed the time allotted.

(b) The Mayor/Commissioners, City Manager, and City Attorney shall, if deemed necessary, respond to the speakers during the thirty minute time period, or such period as may be necessary to accommodate staff responses; or, the Mayor/Commissioners may designate the City Manager or staff to handle the matter. The response time will be in addition to the time allotted for Citizens' Comments.

(c) The Citizens' Comments portion of the meeting shall be held in the City Commission Chambers, at 5:00 P.M. (or as soon thereafter as possible). Speakers shall be allowed to register in person only.

(d) Comment cards for Citizens' Comments shall be secured from the City Clerk. The cards shall be given to the Mayor in the order that they are registered with the City Clerk. The total number of speakers shall not exceed ten people. If more than ten cards are received, the Commission shall limit the amount of time per speaker. No citizen's time shall be transferable to any other person.

(e) Notices shall be prominently posted in the City Clerk's Office, clearly defining the procedures to be followed by the citizens who wish to speak on regular agenda items and during Citizens' Comments.

(f) Citizen input during Citizens' Comments and all public meetings shall deal with administrative issues; harassing, obscene, untruthful, slanderous comments regarding personnel and elected officials shall not be tolerated. Speakers shall refrain from soliciting for politically funded events or campaign related issues during Citizens' Comments and at all public meetings.

(g) Citizens shall be encouraged to participate in alternative methods of communicating with the City Commission and administrative staff to address their needs, such as meetings with individual commissioners.

## **Decorum.**

In case of any disturbance, disorderly conduct or failure to comply with the rules of the Commission, the City Manager or the Mayor shall have the power to require the Commission Chambers or meeting room to be cleared or to order from the room any member of the audience. In addition, any Commissioner, the City Manager or the City Attorney may request the Mayor to enforce these rules of procedure.

At the meeting, the Police Chief or his designee in attendance will be designated Sergeant at Arms. When necessary the Sergeant at Arms shall restore order to the meeting.

Persons attending meetings will remain seated at all times unless called upon to speak, will not call out comments during the meeting or make inappropriate hand or facial gestures. In addition, every person will turn off or place on silent mode his/her cell phone upon entering the room during the meeting.

## **Procedures for Commission Discussion of Agenda Items.**

(a) As to Mayor: Upon relinquishing the chair, the Mayor or such other member of the Commission as may be presiding, may move or second subject only to such limitations of discussion as imposed by these rules upon all members until the issue is resolved or until reassuming the chair, whichever occurs later.

(b) Obtaining the Floor: Every Commissioner desiring to speak for any purpose shall address the presiding officer and upon recognition, shall confine comments to the question under discussion. Commissioners shall avoid personal attack and the use of offensive, derogatory language while discussing any matter.

(c) Interruption: A Commissioner, once recognized, shall not be interrupted when speaking unless it is to be called to order or as herein otherwise provided. If a Commissioner while speaking is called to order, the Commissioner shall cease speaking until the question of order is determined by the presiding officer, and, if in order, the Commissioner shall be permitted to proceed. Any Commissioner may appeal to the Commission from the decision of the Mayor upon a question of order, whereupon without debate the Mayor shall submit to the Commission the question, "Shall the decision of the chair be sustained?" and the Commission shall decide by a majority vote.

(d) Reconsideration: An action of the Commission may be reconsidered only at the same meeting at which the action was taken or at the next regular meeting thereafter. A motion to reconsider may be made only by a member who voted on the prevailing side of the question and must be concurred by a majority of those present at the meeting. A Commissioner who was absent at the time the vote was taken shall be deemed to be on the prevailing side. A motion to reconsider shall not be considered unless at least the same number of members are present as participated in the original

vote under consideration. Adoption of a motion to reconsider shall rescind the action reconsidered.

(e) Prohibition of Participation in a Matter while Abstaining: No Mayor/Commissioner shall participate in any matter from which he or she abstains from voting. For purposes of this paragraph, "participate" means attempt to influence the decision by oral or written communication, whether made by the abstaining Mayor/Commissioner or at his or her direction. Nothing contained herein shall be construed to prohibit an abstaining Mayor/Commissioner from attempting to influence the decision as a private citizen by oral or written communication. In addition, nothing contained herein shall prohibit the presiding officer (whether the Mayor, or, in the Mayor's absence, the Vice-Mayor, or in the absence of both the Mayor and Vice Mayor, any other Commissioner) from presiding over the meeting during consideration of an item by the Commission.

#### **Parliamentary Procedure.**

The rules of parliamentary procedure contained in the latest edition of Robert's Rules of Order shall govern the Commission, provided they are not inconsistent with this Resolution, the Charter, or the ordinances of the City of Hollywood.

#### **Failure to Comply with Commission Rules.**

No action of the Commission shall be deemed invalid because of a failure to comply with any of the rules contained herein.

#### **Adoption, Alteration or Suspension of Rules.**

Rules may be adopted, altered, waived, or rescinded by a majority vote of the members of the Commission; provided, however, that the rule that limits comments during the City Commission Comment Period of each Regular Commission Meeting to five minutes per Mayor/Commissioner may be waived by a vote of three members of the Commission. Any of the rules so adopted, altered or amended may be suspended by a majority vote of the members of the Commission.

#### **Application of Rules**

These rules shall apply to all matters that come before the Commission, except as may be specifically provided by other resolutions, such as resolutions establishing rules of order and/or rules of conduct and procedure for quasi-judicial proceedings.



A RESOLUTION AMENDING THE RULES OF PROCEDURE FOR THE GOVERNING  
OF CITY COMMISSION MEETINGS.

Section 2: That this resolution shall be in full force and effect  
immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
PETER BOBER, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the City of  
Hollywood, Florida, only.

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JEFFREY P. SHEFFEL, CITY ATTORNEY