

## **RESOLUTION NO. 26-18**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, UPDATING THE VILLAGE'S PUBLIC PARTICIPATION RULES AND POLICIES TO INCLUDE GENERAL MEETING DECORUM RULES AND POLICIES AND A PROCESS FOR ADDRESSING AND HANDLING DISRUPTIONS DURING PUBLIC MEETINGS; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Village Council of the Village of Tequesta adopted Resolution 25-13 in September 2013 pursuant to newly enacted Section 286.0114, *Florida Statutes*, in order to provide for basic public participation rules and procedures at public meetings of the Village Council and its appointed boards as required by law; and

**WHEREAS**, the Village Council now desires to update and enhance these rules and procedures to include rules and procedures for the keeping and maintaining of decorum during public meetings, and rules and procedures for addressing and handling disruptions; and

**WHEREAS**, the Village Council believes that it is in the best interests of the Village and its residents and businesses to provide these updated rules and procedures for the keeping and maintaining of decorum during public meetings of the Village Council and its appointed boards.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA THAT:**

**Section 1:** The Village Council of the Village of Tequesta, Florida, hereby adopts the following updated public participation rules and procedures to be followed at public meetings of the Village Council and its appointed boards:

### **PUBLIC PARTICIPATION AND OPPORTUNITY TO BE HEARD.**

- A. GENERALLY.** Public participation rules and procedures are to be posted and/or read aloud at the appropriate time during the meeting so that everyone in attendance is aware of them in advance. The rules and procedures contained in this Resolution are deemed to be reasonably related to the important government interest of public bodies in confining their meetings to specified subject matters while rationing their time for decision making; and the rules and procedures herein are supported by the holding in the case of *Jones v. Heyman*, 888 F.2d 1328, 1331 (11th Cir. 1989).

**B. PUBLIC COMMENT PROCEDURES.** The Village of Tequesta welcomes comments from the public. Members of the public shall be given a reasonable opportunity to make general comments, and also to speak and be heard on items placed on the agenda in accordance with Section 286.0114, *Florida Statutes*:

1. Each speaker is allowed one (1) opportunity per agenda item to speak for a maximum of three (3) minutes, unless the speaker is allowed additional time by the presiding officer. By way of example, speakers may not yield their allotted three (3) minutes to a second speaker in order to allow that second speaker an opportunity to speak for six (6) minutes.
2. When called to speak by the presiding officer, all comments shall be made from the appropriate podium. Speakers shall identify themselves by name and address; and if the speaker is representing a group or organization, said group or organization should also be identified.
3. All comments shall be directed to the council or board as a body, through its presiding officer. Comments shall not be addressed to a single member of the council or board, or to Village staff including the attorney, the manager or the clerk, unless a majority of the members present on the council or board shall so agree.
4. Council or board members are free to ask a speaker questions in order to clarify the comments made; however, speakers shall not attempt to engage members of the council or board, or staff, in debate over any issue raised. Rather, speakers shall simply make their comments and request that the council or board consider them.

**TOPICS ON THE AGENDA.** Any member of the public shall be allowed to address the council or board on any item on the meeting agenda in accordance with the rules set forth in this Resolution, except as specified below. In order to speak, the speaker must first complete a comment card and provide it to the meeting clerk before the agenda item is considered and discussed by the council or board. According to state law, this right to speak does not apply to the following:

- a. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the council or board to act;
- b. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- c. A meeting that is exempt from Section 286.011, *Florida Statutes*, (the “Florida Sunshine Law”); or
- d. A meeting during which the Village Council or one of its appointed boards is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

**TOPICS NOT ON THE AGENDA.** Any person wishing to address the Village Council or one of its appointed boards on topics not on the meeting agenda may speak under the portion of the agenda entitled “Public Comments” or words/intent to that effect in accordance with the rules set forth in this Resolution.

**C. RULES OF DECORUM.** The presiding officer of the council or board shall preserve order and decorum at all public meetings as follows:

1. Meetings of the council or board shall be conducted in a professional, business-like manner. Decorum and courtesy shall be observed both by the members of the council or board and by all persons in attendance.
2. In conducting the public’s business, the Village Council and all of its appointed boards are committed to the principles of civility, honor, and dignity. Individuals appearing before the council or board are required to observe the same principles when making public comments.
3. All persons in attendance at any public meeting are required to afford the utmost courtesy to members of the council or board, as well as to the public meeting process as a whole. It is never appropriate to make rude or derogatory remarks, cause disruptions or interruptions, comment on anyone’s integrity, make defamatory or abusive comments, use profanity or vulgarities, or make statements about individual personalities. Vulgar language, threats, “fighting words”, and encouragement to disrupt the meeting are all strictly prohibited.
4. Constructive criticism is welcome; however, personal attacks directed at anyone are prohibited. This prohibition extends to statements from council and board members, as well as staff, consultants and everyone who is in attendance at the public meeting.
5. Unauthorized remarks from the audience, outbursts, and yelling and/or similar demonstrations shall not be tolerated under any circumstances.

**D. ENFORCEMENT OF RULES AND PROCEDURES.** The presiding officer shall be responsible for determining whether a rule of procedure or decorum has been violated, and for enforcement of the procedures and rules set forth in this Resolution:

1. Should the presiding officer make a determination that a rule of procedure or decorum has been violated, the presiding officer shall interrupt the meeting and the violator shall be given a verbal warning to immediately cease and desist from any further violations. The presiding officer shall warn the violator that any subsequent violation shall result in their being removed from the meeting. The meeting shall then resume and proceed.
2. Following the issuance of a verbal warning, should the presiding officer make a determination that a rule of procedure or decorum has subsequently been violated by the same person at the same meeting, the violator shall be directed to leave the

meeting. In the event that the violator fails to comply with this direction, Village law enforcement shall be directed by the presiding officer to assist.

3. Any determination made by the presiding officer regarding enforcement of the rules and procedures of this Resolution may only be overruled by a majority of the council or board then present at the public meeting.

**Section 2:** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of July, 2018.

VILLAGE OF TEQUESTA