

**ORDINANCE NO. 15-005**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING SECTION 2-29 (PROCEDURE-GENERALLY); RELATING TO PROCEDURE FOR MAKING PUBLIC COMMENT AT MEETINGS OF THE CITY COMMISSION AND PROCEDURE FOR PLACEMENT ON AGENDA; AMENDING SECTION 2-35; RELATING TO PROCEDURE FOR MAKING PUBLIC COMMENT AT MEETINGS OF THE CITY COMMISSION;** REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Section 2-29 of the Code of Ordinances is hereby amended so that the same shall read hereinafter as follows:

**Sec. 2-29. - Procedure—Generally.**

- (a) *Order of business.* Promptly at the hour set on the day of each meeting, the members of the commission, city manager, city clerk and city attorney shall take their regular stations in the commission chambers, and the business of the commission shall be taken up for consideration and disposition in substantially the following order:
- (1) Meeting called to order.
  - (2) Roll call.
  - (3) Approval of minutes.
  - (4) Comments from the public, relating to agenda items which do not require public hearings.
  - (5) Consent Agenda.
  - (6) Items requiring public hearings.
  - (7) New business, matters of public interest, miscellaneous reports and requests.
  - (8) Comments from the public.
  - ~~(8)~~ (9) Comments of city manager.
  - ~~(9)~~ (10) Comments of commissioners.
  - ~~(10)~~ (11) Adjourn.
- (b) *Robert's Rules.* In all matters coming before the commission, the parliamentary conduct thereof shall be governed by Robert's Rules of Order, as revised, except as otherwise provided by state law, the charter or ordinances of the city.
- (c) *Request for placement on agenda.* Any person desiring to appear before the city commission on a matter set for public hearing may appear and speak for a reasonable length of time as determined by the commission. As to any subject which is either not set for public hearing or does not otherwise appear on the agenda, persons desiring to ~~speak to the commission~~ place an item on the agenda may make written request to the city manager no later than ~~noon on the Monday 5:00 p.m. fifteen~~ noon on the Monday 5:00 p.m. fifteen days preceding the regular city commission meeting. Such request must state the subject matter of the individual's appearance and should include any background materials pertinent to the issue. The city manager shall review the request to determine if the item might be handled administratively; or, determine whether the subject matter is an item of city business, ~~and whether a majority of the commissioners wish it to be placed on the agenda.~~ If so, the city manager shall submit the item for placement on the

agenda to the city clerk no later than ~~12:00 noon on the Wednesday~~ 5:00 p.m. ten days preceding the regular city commission meeting and shall direct appropriate staff to be prepared to answer any questions the commission may have. The mayor may impose a time limitation of five (5) minutes, or allow such additional time he or she determines necessary and appropriate for such person to make presentation. Such person shall state his or her name, address, and the subject on which he or she wishes to speak.

- (d) *Agenda.* All reports, communications, ordinances, resolutions, contracts, documents or other materials to be submitted to the commission shall, no later than 12:00 noon on Wednesday prior to each meeting, be delivered to the city clerk, who shall arrange a list of such matters and furnish each member thereof with a copy of the same prior to the regular meeting, and as far in advance of the meeting as time for preparation will permit.
- (e) *Writing; debate.* Ordinances and resolutions shall be reduced to writing before the same are read by the city clerk; however, amendments thereto may be made orally. The presiding officer shall require a motion and a second before allowing general debate thereon.

**SECTION 2.** Section 2-35 is hereby amended so that the same shall read hereinafter as follows:

**Sec. 2-35. - Addressing the commission generally.**

- (a) *Limited participation.* The city manager, city clerk, and the city attorney shall have the right to take part in discussion but may not vote.
- (b) *Written communications by others.* Any person may address the commission concerning items on the agenda by submitting written communications. Such communications shall be received by the presiding officer and entered into the record of the meeting by the city clerk.
- (c) *Oral communication by others.* After first securing permission from the presiding officer, any person may address the commission orally on specific matters, at the appropriate times ~~where oral communication is permitted, as provided in subsection 2-29(a)~~ as designated by the order of business provided in Code Section 2-29(a).
  - (1) *Manner of addressing the commission; time limit.* Each person recognized by the presiding officer and granted leave to address the commission shall: (i) step up to the microphone; (ii) shall provide the city clerk with his name and address for the record; and (iii) unless further time is granted by majority vote of the commission, shall limit his address to three (3) minutes. All remarks shall be addressed to the commission as a body and not to any individual member thereof. No person, other than 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 the permission of the presiding officer. No question shall be asked by a commission member. No person from the audience shall address the commission.
  - (2) *Decorum generally.*
    - a. *By commission members.* While the commission is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the commission, or disturb any member while speaking or refuse to obey the orders of the commission or its presiding officer, except as otherwise provided in this article.

b. *By all persons.* Any person making personal, impertinent, slanderous, obscene, profane, inflammatory, irrelevant or immaterial remarks, or who shall become boisterous while in the commission chambers, or shall incite violence or fighting, whether or not addressing the commission, shall be declared by the presiding officer to be out of order. Any person who refuses to obey an order of the presiding officer in relation to preserving order and decorum shall be banned from further attendance at the meeting in question, unless permission to remain is granted by a majority vote of the commission. No heckling or verbal outbursts in support or opposition to a speaker or his remarks shall be permitted.

(3) *Enforcement of decorum.* The chief of police, or such member of the police department as he may designate, shall be sergeant-at-arms of the commission meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the commission meeting.

**SECTION 3.** All Ordinances or parts of Ordinances and conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 4.** This Ordinance is and the same shall become effective immediately upon final passage hereof.

**APPROVED AS TO FORM AND CORRECTNESS:**

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Robert V. Schwerer, Esq.  
City Attorney

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 15-005 was duly advertised by title only in the St. Lucie News Tribune on February 7, 2015; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on February 17, 2015; and was duly introduced, read by title only, and passed on second and final reading on March 2, 2015, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 2nd day of March, 2015.

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Linda Hudson,  
Mayor Commissioner

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Linda W. Cox,  
City Clerk

(CITY SEAL)