

MEMORANDUM

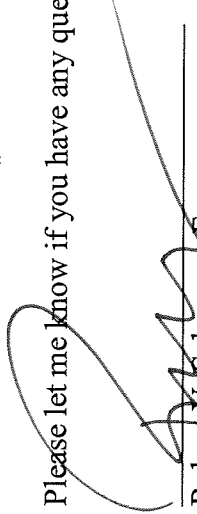
TO: Linda W. Cox, City Clerk (*via email*)
FROM: Robert V. Schwerer, City Attorney
SUBJECT: Proposed Ordinance – Additions/Deletions to Agenda
DATE: January 28, 2016

Attached is your proposed Ordinance amending Section 2-29 providing for a new subsection (5) which adds: “Additions or deletions to agenda and approval of agenda”. The proposed Ordinance is approved as to form and correctness subject to the following comments.

There is legal concern here that having a provision which allows “additions” to the agenda will be misunderstood by some to allow matters to be added to the agenda on which the Commission can take action without prior notice to the public. Florida Statutes specifically require local governments to provide reasonable notice of all matters scheduled for action on a Commission agenda followed by a mandatory requirement that public shall be given a reasonable opportunity to be heard on any proposition that is presented to the Commission for action. See Florida Statutes 286.011 and 286.0114. Matters added to the agenda for “action” as opposed to for just discussion or informational purposes the night of the meeting, unless recognized as a statutory exception such as any emergency proposition, etc., would not appear to meet these requirements.

As to “deletions” from the agenda, that is something seen as already provided under for Roberts Rules of Order where matters can be taken out of order (upon approval of the Chair) and motions to postpone or table such items can be entertained.

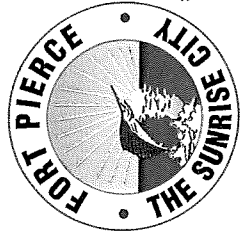
Please let me know if you have any questions concerning the above.




Robert V. Schwerer, Esq.
City Attorney

/mlp
Attachment

cc: Nicholas Mimmms, City Manager (*via email*)



INTEROFFICE MEMORANDUM
FROM THE OFFICE OF THE
CITY MANAGER

To : Robert V. Schwerer, City Attorney
FROM : Nicholas C. Mimms, P.E., City Manager 
RE : **Proposed Ordinance – Additions/Deletions to Agenda** ✓
DATE : January 7, 2016

Attached is a proposed ordinance amending Section 2-29 allowing the members of the City Commission to add or delete items from the agenda. There is some urgency to the implementation of this ordinance, due to a Commissioner's inquiry concerning its status at the January 4, 2016 meeting. Please complete your review and approval by January 18, 2016, so that the ordinance can be advertised and scheduled on the agenda for the February 1, 2016 City Commission meeting.

If you have any questions or need additional information, please contact me.

NCM:jdr

Attachment

c: Linda W. Cox, City Clerk

JAN 7 2016



Interoffice Memorandum

City Clerk's Office

JAN - 6 2016

CITY OF FORT PIERCE
CITY MANAGER'S OFFICE

TO: Nick Mimms, City Manager
FROM: Linda W. Cox, City Clerk *LWC*
SUBJECT: Additions/Deletions to Agenda
DATE: January 5, 2016

As a follow up to the City Commission meeting of October 19 where Commissioner Alexander inquired about their ability to add or delete items from the agenda, attached is a draft ordinance modifying Article II. – City Commission, Section 2-29 to include a new item in the order of business for additions, deletions and approval of the agenda.

After consulting fellow clerks, I learned that several, but not all, municipalities include this option on the agenda. Some of the benefits identified include the following:

- This time can be used reorganize the agenda to move something up to be heard due to high audience participation.
- Staff/Commission can bring a "late" item to the meeting that needs to be acted upon but occurred after the agenda was published.

If this ordinance meets with your approval, please forward to the City Attorney for his approval as to form and sufficiency. Once that is received, we can proceed with the appropriate advertising and schedule it on an upcoming Commission agenda.

OP
LWC
1/6/16

ORDINANCE NO. 16-001

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING ARTICLE II. – CITY COMMISSION, SECTION 2-29 (PROCEDURE-GENERALLY); RELATING TO ORDER OF BUSINESS BY INCLUDING A LINE ITEM FOR ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA; 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) Additions or deletions to agenda and approval of agenda.
- ~~(6)~~ (6) Consent agenda.
- ~~(6)~~ (7) Items requiring public hearings.
- ~~(7)~~ (8) New business, matters of public interest, miscellaneous reports and requests.
- ~~(8)~~ (9) Comments from the public.
- ~~(9)~~ (10) Comments of city manager.
- ~~(10)~~ (11) Comments of commissioners.
- ~~(14)~~ (12) 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 place an item on the agenda may make written request to the city manager no later than 5:00 p.m. fifteen (15) 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. If so, the city manager shall submit the item for placement on the agenda to the city clerk no later than 5:00 p.m. ten (10) 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 3. All Ordinances or parts of Ordinances and conflict herewith are and the same shall be repeated 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:



Robert V. Schwere, 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. 16-001 was duly advertised by title only in the St. Lucie News Tribune on _____; 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 _____; and was duly introduced, read by title only, and passed on second and final reading on _____, 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 ____ day of January, 2016.

Linda Hudson,
Mayor Commissioner

Linda W. Cox,
City Clerk

(CITY SEAL)