

**ORDINANCE NO. 21-033**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE PROVISIONS OF FORT PIERCE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE II. – CITY COMMISSION, DIVISION 2. MEETINGS, SECTION 2-48 – ABSENCES; RELATING TO REMOTE PARTICIPATION AND SECTION 2-49 PROCEDURE-GENERALLY; RELATING TO ORDER OF BUSINESS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

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

**SECTION 1.** Section 2-48 of the Code of Ordinances is hereby amended so that the same shall read hereinafter as follows:

Sec. 2-48. - Absences.

Absence from four consecutive regular meetings of the commission shall operate to vacate the seat of a member, unless such absence is excused by the commission by motion setting forth the fact of such excuse duly entered upon the minutes. In the absence of an executive order of the governor permitting quorum to be achieved through remote attendance, members of the city commission shall not attend city commission meetings remotely.

**SECTION 2.** Section 2-49 of the Code of Ordinances is hereby amended so that the same shall read hereinafter as follows:

Sec. 2-49. - 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.~~ Additions or deletions to agenda and approval of agenda.
- (5) ~~Additions or deletions to agenda and approval of agenda.~~ Comments from the public, relating to agenda items which do not require public hearings.
- (6) Miscellaneous reports.
- (7) Consent agenda.
- (8) Items requiring public hearings.
- (9) City Commission - New business, matters of public interest.
- (10) Comments from the public.

(11) Comments of city manager and city attorney.

(12) Comments of commissioners.

(13) 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.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 5.** This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM & CORRECTNESS:

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Tanya Earley, Esq.,  
Interim 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. 21-032 was duly advertised by title only in the St. Lucie News Tribune on August 27, 2021; 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 Tuesday, September 7, 2021; and was duly introduced, read by title only, and passed on second and final reading on Monday, September 20, 2021, 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 20<sup>th</sup> day of September, 2021.

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Linda Hudson, Mayor Commissioner

ATTEST:

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Linda W. Cox, City Clerk

(City Seal)