

RESOLUTION NO. 2025-R-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWATER, FLORIDA AMENDING CITY COUNCIL MEETINGS – ORDER OF BUSINESS AND PUBLIC PARTICIPATION POLICY; PROVIDING FOR SEVERABILITY; REPEALING ALL RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council wishes to provide for the efficient and effective conduct of all meetings; and

WHEREAS, section 3-11(a) of the Charter authorized the Council to determine its own rules and order of business so long as the agenda for regular meetings include “Citizen Comments” at the beginning and directly prior to adjournment; and

WHEREAS, the United States Eleventh Circuit Court of Appeals recently issued an opinion finding a local government’s prohibition of personally directed comments during public meetings unconstitutional; and

WHEREAS, the City Council has determined that it is necessary and appropriate to amend its current public participation policy to assure citizens are afforded all constitutional rights during public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City of Edgewater:

Section 1. The City policy titled “City Council Meetings – Order of Business and Public Participation” shall be amended to revise paragraph 3 under Public Participation – Meeting Decorum, as follows:

3. City Council Members, City staff members, and citizens are required to use proper language when addressing the Council or the audience. They must refrain from using profanity or cursing, aggressive or threatening behavior or language when addressing the City Council or other participants. ~~All~~

~~comments or questions shall be directed to the Mayor and not individual members of the City Council or to the audience unless otherwise provided herein. No personal verbal and/or physical attacks toward any individual, by the City Council, staff, or citizens will be allowed during the City Council Meeting. Any person making personal, impertinent or slanderous remarks or becoming boisterous who is being actually disruptive or threatening at any time while addressing the council or attending the council meeting shall be removed from the City Council Chambers by the chief of police or any police officer, if so directed by the Mayor or presiding officer. Unauthorized remarks from the audience, stamping of feet, whistles, yells or similar demonstrations shall result in the person being removed by the chief of police or any police officer, if so directed by the Mayor or presiding officer are not permitted.~~ If the Mayor or presiding officer determines a person shall be removed from the proceeding pursuant to this provision because they are being actually disruptive or threatening, he or she shall first give a warning and if the ~~language or~~ behavior continues, issue the directive for removal from the proceedings. Additionally, the City Council may issue a directive for a warning and subsequent removal by motion and majority vote for language or behavior that violates this provision.

Section 2. The City policy “City Council Meetings – Order of Business and Public Participation” as hereby amended, approved and adopted is attached hereto as Exhibit “A.”

Section 3. All resolutions in conflict are hereby repealed.

Section 4. This resolution shall take effect upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2025.

Diezel Depew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

REVIEWED AND APPROVED: _____

Aaron R. Wolfe, City Attorney

EXHIBIT “A”

CITY OF EDGEWATER ADMINISTRATIVE POLICIES AND PROCEDURES

Section: City Council

Subject: City Council Meetings - Order
of Business and Public Participation

PURPOSE:

Establish a formal process and procedures to be utilized during meetings called by the City Council by establishing the order of business and obtaining citizen input and allowing full citizen participation at official City Council Meetings.

DISCUSSION:

The City of Edgewater is committed to democratic, participatory local government that seeks to involve citizens in all aspects of the decision-making process.

ATTENDANCE:

So that the City Council may efficiently and responsibly carry out its duties, all members should make every effort to attend all scheduled City Council Meetings. In accordance with Sec. 3.09(b)(1) of the City Charter, if a member of the City Council is absent for three consecutive regular council meetings without being excused by the council such member must forfeit their office. In order for the member to be excused they must disclose their reason for absence either in writing to the City Clerk prior to the meeting or personally describe for the record at the next meeting they are in attendance. The City Council shall vote to determine if excused or unexcused. A member of City Council may request for consideration of vote for excused absences for any planned absence prior to being absent.

If a member of the City Council is absent for a fourth consecutive regular City Council Meeting without providing any written disclosure to the City Clerk, the Mayor shall call for a vote to determine excused or unexcused absence for all previous undetermined absences.

ORDER OF BUSINESS:

- 1) Call to order, roll call, pledge of allegiance, invocation.
- 2) Approval of minutes.
- 3) Presentations/Proclamations/Plaques/Certificates/Donations.
- 4) Citizen comments (not to include agenda items).
- 5) Approval or changes/modifications to the agenda.
- 6) City Council reports.
- 7) Consent agenda (no discussion or comment).
- 8) Public hearings, ordinances and resolutions.
- 9) Board appointments.
- 10) Other Business.
- 11) Officer reports.
- 12) Citizen comments.
- 13) Adjourn.

VOTING AND VOTING ORDER:

It has been determined that the voting order of each Council member will rotate in order per meeting. The City Clerk will stipulate the order on the specific agenda for each meeting. The voting order will start in

order of the Mayor, District 1, District 2, District 3 and District 4. The order will rotate for the next meeting with the Mayor going to the end of the list and the vote starting with District 1.

If a motion has been either adopted or defeated during a meeting, only a member who voted on the winning side can have the vote reconsidered, such a member on the winning side may make a motion for the reconsideration. A defeated motion may only be brought back up by a member on the winning side either during the same meeting or one other time within a twelve (12) month period from the initial meeting such motion was defeated.

In accordance with Section 286.012 of Florida Statutes, a member who is present at a meeting at which an official decision, ruling, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act and a vote shall be recorded or counted for each member present unless with respect to any such member there is, or appears to be, a possible conflict of interest under the provisions of s. 112.311, s. 112.313, or s. 112.3143. If there is, or appears to be, a possible conflict in accordance to the aforementioned sections, the member shall comply with the disclosure requirements of s. 112.3143.

PUBLIC PARTICIPATION - MEETING DECORUM:

1. Edgewater City Council Meetings are formal government meetings that are conducted to transact public business. In conducting the public's business, the City Council is committed to the principles of civility, honor, and dignity. Individuals appearing before the City Council are requested to observe the same principles when making comments on items and issues presented to the City Council for their consideration. The Edgewater City Council shall use Roberts Rules of Order as supplementary guidelines for conducting meetings when not in conflict with any charter provisions, ordinance, resolution or other procedure established by the City Council.
2. Individuals that appear before the City Council are required to state their name and their address for the record. All comments must be made from the podium, which is located at the front of the City Council Chambers or by other reasonable accommodations and shall address the subject of the agenda item. The purpose of this requirement is for the recording equipment to record the comments made by citizens so that they are properly reflected in the Council minutes and are available for future reference.
3. City Council Members, City staff members, and citizens are required to use proper language when addressing the Council or the audience. They must refrain from using profanity or cursing, aggressive or threatening behavior or language when addressing the City Council or other participants. ~~All comments or questions shall be directed to the Mayor and not individual members of the City Council or to the audience unless otherwise provided herein. No personal verbal and/or physical attacks toward any individual, by the City Council, staff, or citizens will be allowed during the City Council Meeting.~~ Any person ~~making personal, impertinent or slanderous remarks or becoming boisterous who is being actually disruptive or threatening at any time~~ while addressing the council or attending the council meeting shall be removed from the City Council Chambers by the chief of police or any police officer, if so directed by the Mayor or presiding officer. Unauthorized remarks from the audience, stamping of feet, whistles, yells or similar demonstrations ~~shall result in the person being removed by the chief of police or any police officer, if so directed by the Mayor or presiding officer~~ are not permitted. If the Mayor or presiding officer

determines a person shall be removed from the proceeding pursuant to this provision because they are being actually disruptive or threatening, he or she shall first give a warning and if the ~~language~~ or behavior continues, issue the directive for removal from the proceedings. Additionally, the City Council may issue a directive for a warning and subsequent removal by motion and majority vote for language or behavior that violates this provision.

4. Participants shall adhere to their allotted time as provided in this Policy and may submit written documents in order to fully address their concerns with the Council. One participant's allotted time for addressing the Council may not be donated to another participant.

AVENUES FOR CITIZENS TO PARTICIPATE IN DECISION MAKING PROCESS:

The City Council provides several avenues for citizens to address issues at official City Council Meetings. Those avenues are:

- Citizen Comments – Non-Agenda (beginning and end of meeting)
- Public Hearings
- Individual Agenda Items

CITIZEN COMMENTS – NON-AGENDA:

The City Council allocates 3 minutes at the beginning and end of each City Council Meeting for citizens who wish to appear before the City Council to make a request of the City Council, voice a complaint or concern, express an opinion, or some type of recognition on matters relevant to city business. The Mayor may request citizens to consolidate comments if it is determined that multiple citizens are repeating the same comments regarding the same issue. If the 3 minutes expires and the citizen has not completed their comments, the Mayor may receive a majority consensus from the remainder of the City Council before permitting the citizen to continue. If a majority consensus is received, the Mayor may add additional specific minute(s).

CITY COUNCIL REPORTS AND COMMENTS:

At the beginning of each City Council Meeting, the City Council has scheduled an item where the council reports on various committees and groups on which they represent the City as well as a time to make comments in general.

PUBLIC HEARINGS:

1. Public Hearings are formal, often legally-noticed hearings which the City Council conducts pursuant to State or Federal Law. Some Public Hearings are advertised hearings for specific items scheduled on the City Council Agenda. Some public hearings are quasi-judicial while others are legislative in nature. Some public hearings have specific formats that must be followed and are established by law. All Ordinance considerations are conducted as formal public hearings and are normally considered as a normal agenda item. In those cases, the Mayor will announce that this is a public hearing.
2. The applicant may have time as necessary and permitted by the Mayor to make the presentation before the City Council. City staff may have as much time as necessary to make a presentation on the subject before the City Council. Citizens, other than an applicant, who wish to address the City Council, may do so by raising their hands at the time the Mayor asks for anyone wishing to address the issue and by waiting to be recognized by the Mayor. All individuals addressing the City Council will clearly state their name and address for the record. Citizens will be limited to 3 minutes per person, unless the Mayor extends the time upon receiving majority consensus from the City Council. The Mayor may rule an individual(s) out of order if they begin to repeat information that has already been presented by the other speakers.
3. The order of a Public Hearing will be as follows:
 - Disclosure of ex parte communications* (in quasi-judicial proceedings only),
 - Presentation by City Staff
 - Questions of the City Staff by the City Council
 - Presentation by the applicant, if applicable
 - Questions of the applicant by the City Council, if applicable
 - Opportunity for applicant and staff to question other witnesses
 - Comments from citizens and interested parties
 - Final comments by the Applicant, if applicable
 - Discussion by the City Council (City Council Members may request additional information from both the applicant and staff during this phase of the discussion)
 - Decision by the City Council

*Ex parte communication: Any person not otherwise prohibited by statute, charter provision, resolution or ordinance may discuss with any city official the merits of any matter on which action may be taken by any council member. Such communication shall not raise any presumption of prejudice provided the following disclosure procedures are followed:

- a) The subject and substance of any ex parte communication with the city official which relates to quasi-judicial action pending before the official as well as the identity of the person, group, or entity with whom the communication took place is disclosed and made part of the record before final action is taken on the matter.
- b) A city official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a city official shall be made part of the record before final action is taken on the matter.
- c) City officials may conduct investigations, make site visits and receive expert opinions

regarding a quasi-judicial action pending before them provided such activities and the existence of such investigations, site visits or expert opinion is made a part of the record before final action is taken on the matter.

- d) Disclosure made pursuant to a), b) and c) above must be made before or during the public hearing at which a vote is to be taken and persons having opinions contrary to those expressed in the ex parte communication shall be given a reasonable opportunity to refute or respond to the communication.

REGULAR AGENDA ITEMS:

1. The Mayor will provide an opportunity for citizens to speak in favor of or in opposition to an agenda item. If an item is on consent agenda, a city council person will have to withdraw the item if they wish to discuss the item. When an item is removed from the consent agenda, then citizens will be allowed five (5) minutes to comment. All individuals addressing the City Council will clearly state their name and address for the record. The Mayor may rule an individual(s) out of order if they begin to repeat information or materials presented by other speakers.
2. If the item is on the non-consent agenda portion of the agenda, citizens will be given up to 3 minutes to comment or ask questions about the agenda item. The Mayor must recognize all who wish to speak.
3. The order of consideration of an agenda item that has been removed from the consent agenda and all other regular agenda items will be:
 - Presentation by City Staff, if applicable
 - Questions of the City Staff by the City Council
 - Presentation by the applicant or individual, if applicable
 - Questions of the applicant or individual by the City Council, if applicable
 - Comments from the public
 - Questions of public by the City Council
 - Discussion by the City Council
 - Decision by the City Council

DOCUMENTS:

All documents submitted to the City Council become public records when given to the City Council for their consideration and shall be maintained by the City Clerk in accordance with the public records law.

Approved: _____
Diezel Depew, Mayor

Date