

ORDINANCE NO. 2023 - 07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, SECTION 2-26(F)(1) OF THE CITY OF PAHOKEE'S CODE OF ORDINANCES ENTITLED "CITY COMMISSION DISCUSSION" TO LIMIT DEBATE TO TWO MINUTES WITH AN OPPORTUNITY FOR A ONE (1) MINUTE REBUTTAL; AMENDING ARTICLE II, SECTION 2-26 (G)(1) ENTITLED "CITIZEN'S RIGHTS" TO PROHIBIT YIELDING TIME TO ANOTHER SPEAKER; RENUMBERING AND REORDERING AS NECESSARY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pahokee ("City Commission") desires to revise its Rules of Procedure by amending Article II, Section 2-26(f)(1), of the City of Pahokee's Code of Ordinances to limit debate to two minutes for City Commissioners, with an opportunity for a one (1) minute rebuttal; and

WHEREAS, the City Commission desires to further revise its Rules of Procedure by amending Article II, Section 2-26(g)(1) of the City of Pahokee's Code of Ordinances to prohibit yielding time to another speakers; and

WHEREAS, the City Commission finds that it would operate more efficiently if revised Rules of Procedure were adopted and followed.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. Amending Section 2-26(f)(1) of the City of Pahokee Code of Ordinances entitled "City Commission Discussion", which shall be amended and shall read as follows, with all other provisions remaining the same unless set forth herein and shall read:

(f) *City commission discussion.*

(1) Discussion by a member of the city commission on any one legislative item or issue shall be limited to two (2) minutes ~~not be limited~~, unless a motion to ~~limit~~ extend debate is made and adopted by a majority vote of the City Commission. Each member of the city commission ~~shall, in the discretion of the Mayor, may~~ be afforded the opportunity to offer a one (1) minute rebuttal to each item discussed following a first round discussion by all City Commissioners who desire to be heard on an item. If one member is afforded time for rebuttal, all members of the City Commission shall be afforded the same amount of time for rebuttal. A motion to limit debate shall take precedence over all motions, except a motion to adjourn, a point of order, or a motion to table.

(2) Each member of the city commission and the public who desires to speak shall address the mayor or presiding officer, and upon recognition by the mayor or presiding officer, shall confine himself or herself to the issues under debate, avoiding all personalities and indecorous language.

(3) Members of the city commission shall not interrupt anyone who has the floor, unless it is to call the meeting to order, or as otherwise provided in this section. If a member of the city commission desires to direct questions to another member of the city commission or the public, the questions shall be directed to the mayor or presiding officer who in turn will recognize the individual who wishes to answer the specific question.

(4) While the city commission is in session, members of the city commission and the public present at the meeting shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the city commission. There shall be no audience outburst and disruptive conversation from members of the public.

Section 2. Amending Section 2-26(g)(1) of the City of Pahokee Code of Ordinances entitled "Citizen's Rights", which shall be amended and shall read as follows, with all other provisions remaining the same unless set forth herein and shall read:

(g) Citizen's Rights

(1) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on agenda items except as provided for below. Public input shall be limited to three (3) minutes per person and speakers shall be prohibited from

yielding time to any other speaker. This right Rights provided under this section shall not apply to:

- i. 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 Commission to act.
- ii. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- iii. A meeting that is exempt from Section 286.011, Florida Statutes; or
- iv. A meeting during which the Commission 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.

Section 3. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Inclusion in Code.

It is hereby the intention of the Commission of the City of Pahokee and it is hereby provided that the provisions of this Ordinance may become and be made a part of the Code of Pahokee, Florida.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon final passage.

PASSED FIRST READING this 10th day of October, 2023.

PASSED SECOND READING this 24th day of October, 2023.

Keith W. Babb, Jr., Mayor

ATTEST:

Tijauna Warner, CMC, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, Esq.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

| | | |
|-----------------------|-------------|------------|
| Commissioner Boldin | _____ (Yes) | _____ (No) |
| Commissioner Gonzalez | _____ (Yes) | _____ (No) |
| Commissioner Perez | _____ (Yes) | _____ (No) |
| Vice-Mayor Murvin | _____ (Yes) | _____ (No) |
| Mayor Babb | _____ (Yes) | _____ (No) |