

RESOLUTION 13-07

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA PROVIDING FOR APPEARANCE OF THE PUBLIC BEFORE THE COUNCIL AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cinco Bayou is desirous of establishing rules providing for and guiding the conduct of personal testimonial appearances by the public before the Town Council; and,

WHEREAS, the Town of Cinco Bayou is desirous of promoting involvement and participation of the public; and,

WHEREAS, the Town of Cinco Bayou, in order to implement the provisions of Section 286.0114, Florida Statutes, is encouraged by said statute to adopt policies or rules regarding public appearances before the Town Council; and,

WHEREAS, the Town of Cinco Bayou is deemed to be in compliance with Section 286.0114, *Florida Statutes*, through adoption of policies guiding the conduct of testimony at public meetings.

NOW THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Cinco Bayou, Florida, that:

SECTION 1. APPEARANCE BEFORE THE TOWN COUNCIL. Appearance before the Town Council shall be as follows:

- A. *Right to be Heard.* Members of the public shall be given a reasonable opportunity to be heard on each agenda item at a Town Council meeting except as provided below. The right does not apply to:
- (1) 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 Town Council to act;
 - (2) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
 - (3) A meeting that is exempt from §286.011; or
 - (4) A meeting during which the Town Council 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.

The opportunity to be heard need not occur at the same meeting at which the Town Council takes official action on a matter if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the Town Council takes official action.

- B. *Addressing the Town Council by Written Request.* Any person or group wishing to address the Town Council shall file with the Town Clerk/Manager eight (8) days before the meeting at which an audience is desired, a written request asking to be placed on the agenda and giving the following information:
- (1) Name and address of person or group making request;
 - (2) Name of persons or organizations represented;
 - (3) Subject matter to be discussed; and,
 - (4) Specific questions to be answered or specific action to be desired by the Town Council.
- C. Town Council members will receive a copy of the request, with agenda, prior to the Town Council meeting.
- D. The Town Clerk/Manager shall answer, in writing, any person or group making such a request, informing them of the date of the meeting and the place and time on the agenda assigned to them. In the event that the agenda for the next meeting is crowded, the Town Clerk/Manager may, at his/her discretion, place the request for presentation at the following meeting.
- E. An individual appearing before the Town Council shall be allotted three (3) minutes to make their presentation if speaking on their own behalf and five (5) minutes to make their presentation if speaking on behalf of a group or organization.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption by the Town Council and signature of the Mayor.

ADOPTED IN REGULAR SESSION BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA THIS 12TH DAY OF DECEMBER, 2013.

THE TOWN OF CINCO BAYOU, FLORIDA

By: _____
Theresa Farley, Mayor

ATTEST:

By: _____
Nell Dykes, Town Clerk/Manager

[Seal]