

NOTICE

There will be a Special Meeting of the CITY COUNCIL of the City of Port St. Lucie on November 21, 2016, at 7:00 p.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

AGENDA

1. **MEETING CALLED TO ORDER**
2. **ROLL CALL**
3. **INVOCATION & PLEDGE OF ALLEGIANCE**
4. **OATH OF OFFICE FOR CITY MANAGER**
5. **COUNCIL FAREWELL REMARKS**
6. **OATH OF OFFICE FOR NEWLY ELECTED COUNCIL MEMBERS**
7. **RECESS FOR CAKE AND COFFEE**
8. **RECONVENE**
9. **APPOINTMENT OF VICE MAYOR**
10. **APPOINTMENT OF MAYOR PRO TEM**
11. **APPOINTMENT OF MAYOR AND COUNCIL MEMBERS TO VARIOUS BOARDS AND COMMITTEES**
12. **DISCUSSION OF 2017 MEETING CALENDAR - SET WINTER & SUMMER RETREAT DATES AND COUNCIL WORKSHOP MEETING DATES AND TIMES**
13. **COUNCIL RULES DISCUSSION**
14. **PUBLIC TO BE HEARD**
15. **ADJOURN**

NOTICE: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence of said meeting upon which any appeal is to be based.

AS A COURTESY TO THE PEOPLE RECORDING THE MEETING, PLEASE TURN ALL CELL PHONES TO SILENT.



"A City for All Ages"

City of Port St. Lucie

Oath Of Office

I DO SOLEMNLY SWEAR THAT I WILL SUPPORT AND PROTECT AND DEFEND THE CONSTITUTION AND GOVERNMENT OF THE UNITED STATES AND THE STATE OF FLORIDA, AND THAT I WILL BEAR TRUE FAITH, LOYALTY AND ALLEGIANCE TO THE SAME; AND THAT I AM ENTITLED TO HOLD OFFICE UNDER THE CONSTITUTION AND LAWS OF THE STATE OF FLORIDA; AND THAT I WILL FAITHFULLY PERFORM ALL THE DUTIES OF:

City Manager

OF THE CITY OF PORT ST. LUCIE, FLORIDA, SO HELP ME GOD.

Russell Blackburn

STATE OF FLORIDA
COUNTY OF ST. LUCIE

Signed and sworn to (or affirmed) before me on November 21, 2016, by Russell Blackburn
He/She is personally known to me or has produced a _____ as
identification.

Notary Public Signature: _____
My Commission Expires: October 7, 2017



MEMORANDUM

TO: MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY
FROM: RON BOWEN, COUNCILMAN
SUBJECT: SCHEDULED ABSENCE
DATE: 11/18/2016

It is with a heavy heart that I must notify you that I will not be able to attend the Special City Council Meeting on November 21 at 7:00 pm. I am still recuperating from my injury and unfortunately I am not in a position where I am able to attend the meeting.

I have enjoyed my time with the City and will always cherish the memories.

Thank you,

RB/cf



"A City for All Ages"

City of Port St. Lucie

Oath Of Office

DO YOU SOLEMNLY SWEAR THAT YOU WILL SUPPORT AND PROTECT AND DEFEND THE CONSTITUTION AND GOVERNMENT OF THE UNITED STATES AND THE STATE OF FLORIDA, AND THAT YOU WILL BEAR TRUE FAITH, LOYALTY AND ALLEGIANCE TO THE SAME; AND THAT YOU ARE ENTITLED TO HOLD OFFICE UNDER THE CONSTITUTION AND LAWS OF THE STATE OF FLORIDA; AND THAT YOU WILL FAITHFULLY PERFORM ALL THE DUTIES OF A:

Council Member

OF THE CITY OF PORT ST. LUCIE, FLORIDA, SO HELP YOU GOD.

Jolien Caraballo

STATE OF FLORIDA
COUNTY OF ST. LUCIE

Signed and sworn to (or affirmed) before me on November 21, 2016, by Jolien Caraballo He/She is personally known to me or has produced a _____ as identification.

Notary Public Signature: _____

My Commission Expires: October 7, 2017



"A City for All Ages"

City of Port St. Lucie

Oath Of Office

DO YOU SOLEMNLY SWEAR THAT YOU WILL SUPPORT AND PROTECT AND DEFEND THE CONSTITUTION AND GOVERNMENT OF THE UNITED STATES AND THE STATE OF FLORIDA, AND THAT YOU WILL BEAR TRUE FAITH, LOYALTY AND ALLEGIANCE TO THE SAME; AND THAT YOU ARE ENTITLED TO HOLD OFFICE UNDER THE CONSTITUTION AND LAWS OF THE STATE OF FLORIDA; AND THAT YOU WILL FAITHFULLY PERFORM ALL THE DUTIES OF A:

Council Member

OF THE CITY OF PORT ST. LUCIE, FLORIDA, SO HELP YOU GOD.

John Carvelli

STATE OF FLORIDA
COUNTY OF ST. LUCIE

Signed and sworn to (or affirmed) before me on November 21, 2016, by John Carvelli. He/She is personally known to me or has produced a _____ as identification.

Notary Public Signature: _____

My Commission Expires: October 7, 2017



"A City for All Ages"

City of Port St. Lucie

Oath Of Office

DO YOU SOLEMNLY SWEAR THAT YOU WILL SUPPORT AND PROTECT AND DEFEND THE CONSTITUTION AND GOVERNMENT OF THE UNITED STATES AND THE STATE OF FLORIDA, AND THAT YOU WILL BEAR TRUE FAITH, LOYALTY AND ALLEGIANCE TO THE SAME; AND THAT YOU ARE ENTITLED TO HOLD OFFICE UNDER THE CONSTITUTION AND LAWS OF THE STATE OF FLORIDA; AND THAT YOU WILL FAITHFULLY PERFORM ALL THE DUTIES OF A:

Council Member

OF THE CITY OF PORT ST. LUCIE, FLORIDA, SO HELP YOU GOD.

Stephanie Morgan

STATE OF FLORIDA
COUNTY OF ST. LUCIE

Signed and sworn to (or affirmed) before me on November 21, 2016, by Stephanie Morgan. He/She is personally known to me or has produced a _____ as identification.

Notary Public Signature: _____

My Commission Expires: October 7, 2017



MEMORANDUM

TO: SHANNON MARTIN, COUNCILWOMAN, DISTRICT 3
STEPHANIE MORGAN, COUNCILWOMAN-ELECT, DISTRICT 1
JOHN CARVELLI, COUNCILMAN-ELECT, DISTRICT 2
JOLIEN CARABALLO, COUNCILWOMAN-ELECT, DISTRICT 4
RUSS BLACKBURN, CITY MANAGER
O. REGINALD OSENTON, CITY ATTORNEY
KAREN PHILLIPS, CITY CLERK

FROM: GREGORY J. ORAVEC, MAYOR 

SUBJECT: OUR JOURNEY AS THE 2016-2018 TEAM PSL BEGINS MONDAY NIGHT!

DATE: NOVEMBER 18, 2016

This short memorandum serves to share some of my hopes and intentions regarding our next two years together, starting with our very first meeting Monday night. Please know that I am extremely honored and excited to serve with you in our shared mission to make our community and city organization the best they can be and that I am committed to helping you and, therefore, us succeed. Our city has climbed out of the depression, and we find economic factors and a countywide spirit of cooperation as winds at our back. As a result, we have a special opportunity, which for us must be considered a sacred duty, to help Port St. Lucie take not just a step forward, but a leap. I believe in you and know that if we work hard, smart, together, and with our citizens, the next two years are going to be something very special, and a better PSL will be the result.

At Monday night's meeting, after the oaths of office, we will complete the process of committee appointments in accordance with the City Charter and Council Rules. To have the best team, we need to get the right people in the right positions. Therefore, I would like to encourage each Councilmember to request those appointments for which s/he feels s/he is the best fit. These are open tryouts, and I cannot make an informed decision without hearing from you. As a note, the Council Rules currently require us to serve a minimum of two committees.

Also at Monday's meeting, we will discuss any necessary changes to the Council Rules. As you are aware, the City Attorney has offered us some suggested modifications. I do not anticipate offering any proposed amendments for your consideration, but would like you to know that I must enforce the Rules as they are written in order to promote meetings which are professional, productive and in line with our values. Accordingly, if anything is "broken" or can be improved, I would welcome the building of a better mousetrap.

Starting Monday night, this team will be responsible for the lives of 180,000 citizens and counting. Let's give them something they can be proud of!

Thank you.

c: Team PSL

ADDITIONAL INFORMATION

COUNCIL ITEM #11
DATE 11/21/16

Port St. Lucie City Council Board and Position Appointments

Position/Board	Representative	Alternate	Meeting Date/Time
<i>Vice Mayor of Port St. Lucie</i>			
<i>Mayor pro tempore of Port St. Lucie</i>			
The Council on Aging			Last Wednesday, Every Other Month, 3:30 PM
Roundtable of St. Lucie County			1st Friday, Every Month, 8:30 AM
SLC Chamber Board of Directors* (<i>Ex Officio</i>)	Mayor		Fourth Thursday, Every Month, 8:30 AM
SLC Fire District Board			3rd Wednesday, Every Month, 3:00 PM
SLC Transportation Planning Organization			1st Wednesday, Every Other Month, 2:00 PM
St. Lucie Tourist Development Council			2nd Wednesday, Every Month, 1:30 PM
Treasure Coast Council of Local Governments			1st Wednesday, Every Month, 10:00 AM
Treasure Coast Regional League of Cities			3rd Wednesday, Every Other Month, 11:00 AM
Treasure Coast Regional Planning Council			3rd Friday, Every Month, 9:30 AM
Business Alliance for Prosperity Board			4th Tuesday, Every Month at 4:00PM
Port Advisory Committee (Formerly, Fort Pierce Harbor Advisory Committee)			3rd Wednesday, Quarterly, 3:00 PM
Port St. Lucie Area Council*	All Council Members Rotate		2nd Wednesday, Every Month, 8:00 AM
Sustainability Committee			Not Active
Treasure Coast Education, Research and Development Authority (<i>Ex Officio</i>)			2nd Thursday, Every Other Month, 3:00 PM (subject to change)
St. Lucie Inlet Advisory Committee			Not Active

*As requested by the St. Lucie County Chamber of Commerce.

Port St. Lucie City Council Board and Position Appointments

Position/Board	Representative	Alternative
<i>Vice Mayor of Port St. Lucie</i>	Linda Bartz	
<i>Mayor pro tempore of Port St. Lucie</i>	Shannon Martin	
The Council on Aging	Linda Bartz	
Roundtable of St. Lucie County	Linda Bartz	Ronald Bowen
SLC Chamber Board of Directors	Greg Oravec	Linda Bartz
SLC Fire District Board	Shannon Martin Michelle Berger	
SLC Transportation Planning Organization	Greg Oravec Michelle Berger Shannon Martin Ronald Bowen	Linda Bartz
St. Lucie Tourist Development Council	Linda Bartz	Michelle Berger
Treasure Coast Council of Local Governments	Greg Oravec	Linda Bartz
Treasure Coast Regional League of Cities	Greg Oravec	Linda Bartz
Treasure Coast Regional Planning Council	Ronald Bowen	Shannon Martin
Business Alliance for Prosperity Board	Greg Oravec	
Ft. Pierce Harbor Advisory Committee	Linda Bartz	
Port St. Lucie Area Council	Greg Oravec	Linda Bartz
Sustainability Committee	<i>City Manager looking into reactivation of this committee.</i>	
Treasure Coast Education, Research and Development Authority	Greg Oravec	
St. Lucie Inlet Advisory Committee	<i>City Manager looking into reactivation of this committee.</i>	



CITY OF PORT ST LUCIE

COUNCIL AGENDA MEMORANDUM

Agenda Item #: 12

Meeting Date: 11/21/2016

TO: Mayor and City Council

THRU: Patricia Roebling, Interim City Manager

FROM: Karen A. Phillips, City Clerk

Agenda Item: 2017 Meeting Schedule for City Council Regular and Workshop meetings, Community Redevelopment Agency (CRA) meetings, Governmental Finance Corporation (GFC) meetings, and the Winter and Summer City Council/Staff Retreats

Submittal Date: 11/10/2016

STRATEGIC PLAN LINK: Port St. Lucie Mission, All Principals: A - Exceptional Municipal Services; B – Responsive to Community: Residents and Businesses; C – Plan for Smart and Balanced Growth; D – Financially Responsible Manner

BACKGROUND: Submission of the 2017 Meeting Schedule

ANALYSIS: Review and approval of the 2017 meeting schedule

FINANCIAL INFORMATION: N/A

LEGAL INFORMATION: N/A

STAFF RECOMMENDATION: 1) Request direction to set the dates and times for the 2017 City Council Winter and Summer Retreats and the 2017 City Council Workshops.

2) Request approval of the 2017 Meeting Schedule for City Council Regular and Workshop meetings, Community Redevelopment Agency (CRA) meetings, Governmental Finance Corporation (GFC) meetings, and the Winter and Summer City Council/Staff Retreats.

SPECIAL CONSIDERATION: N/A

PRESENTATION INFORMATION: N/A

REQUESTED MEETING DATE: 11/21/2016

LOCATION OF PROJECT: N/A

ATTACHMENTS: 2017 Meeting Schedule for City Council Regular, Workshop, Governmental Finance Corporation (GFC), Community Redevelopment Agency (CRA), and Winter and Summer Retreats, 2016 Calendar with US holidays, and 2016 City Holiday Calendar

CITY OF PORT ST. LUCIE
 SCHEDULE OF REGULAR CITY COUNCIL MEETINGS
2017

MONTH	DATES
JANUARY	9 AND 23
FEBRUARY	13 AND 27
MARCH	13 AND 27
APRIL	10 AND 24
MAY	8 AND 22
JUNE	12 AND 26
JULY	10 AND 24
AUGUST	14 AND 28
SEPTEMBER	11 AND 25
OCTOBER	9 AND 23
NOVEMBER	13 AND 27
DECEMBER	4 AND 11

MEETINGS ARE HELD AT **7:00 P.M.** IN THE COUNCIL CHAMBERS, AT CITY HALL, 121 SW PORT ST. LUCIE BLVD., PORT ST. LUCIE, FLORIDA

**SCHEDULE OF THE
 PORT ST LUCIE
CITY COUNCIL WORKSHOP
 MEETINGS**

APRIL	DATE ?	TIME ?
JUNE	DATE ?	TIME ?
SEPT	DATE ?	TIME ?
DEC	DATE ?	TIME ?

CITY COUNCIL WORKSHOP MEETINGS ARE HELD QUARTERLY ON THE THIRD MONDAY OF EACH MONTH, AT **1:00 P.M.** AT THE COMMUNITY CENTER, 2195 SE AIROSO BLVD., PORT ST. LUCIE, FLORIDA

**SCHEDULE OF THE
 PORT ST LUCIE
GOVERNMENTAL FINANCE CORPORATION
 MEETINGS**

APRIL	24	at 6:30 P.M
OCTOBER	23	at 6:30 P.M

**SCHEDULE OF THE
 PORT ST LUCIE
COMMUNITY REDEVELOPMENT AGENCY
 MEETINGS**

MARCH	27	at 6:30 P.M
JUNE	26	at 6:30 P.M
SEPT.	25	at 6:30 P.M
NOV.	27	at 6:30 P.M

THE GOVERNMENTAL FINANCE CORPORATION AND COMMUNITY REDEVELOPMENT AGENCY MEETINGS ARE HELD AT **6:30 P.M.** IN THE CITY COUNCIL CHAMBERS, AT CITY HALL, 121 SW PORT ST. LUCIE BLVD., PORT ST. LUCIE, FLORIDA

BUDGET HEARING DATES: September 11 at 7:00 P.M
 September 25 at 7:00 P.M

RETREAT DATES FOR 2017: Winter Retreat – **DATE ? & TIME ?**
 Summer Retreat – **DATE ? & TIME ?**

From: Larry Lankow
Sent: Tuesday, November 15, 2016 4:22 PM
To: Karen Phillips
Cc: Sherman Conrad
Subject: RE: Dates for 2017 Winter Retreat

We really don't have any completely open weeks but the two best weeks we have are in March. **March 8 – March 10** and **March 22 – March 24**. As for July all the weeks are good except for the last week in July. Please let me know if this helps.

*Larry Lankow
Recreation Supervisor
City of Port St Lucie Parks and Recreation
2195 SE Airoso Blvd.
Port St Lucie, FL 34984
OFF: 772-871-7362
llankow@cityofpsl.com*

From: Karen Phillips
Sent: Tuesday, November 15, 2016 8:37 AM
To: Larry Lankow <LLankow@cityofpsl.com>; David Schoen <DSchoen@cityofpsl.com>
Cc: Sherman Conrad <ShermanC@cityofpsl.com>
Subject: Dates for 2017 Winter Retreat

Please send me the open available dates at the Community Center for February & March 2017 and for July 2017. I need three-days together. Council will be selecting from the dates you provide at their 11/21/16 Council meeting. Thank you.

*Karen A. Phillips, CMC
City Clerk
City of Port St. Lucie
(772) 344-4370
(772) 344-4094 Fax*



Calendar for Year 2017 (United States)

January

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

☉: 5 ☽: 12 ☽: 19 ●: 27

February

S	M	T	W	T	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

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March

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April

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May

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

☉: 2 ☽: 10 ☽: 18 ●: 25

June

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July

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August

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September

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October

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22	23	24	25	26	27	28
29	30	31				

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November

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12	13	14	15	16	17	18
19	20	21	22	23	24	25
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December

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23	24	25	26	27	28	29
30	31					

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Jan 1	New Year's Day	May 14	Mother's Day	Nov 11	Veterans Day
Jan 2	'New Year's Day' observed	May 29	Memorial Day	Nov 23	Thanksgiving Day
Jan 16	Martin Luther King Day	Jun 18	Father's Day	Dec 24	Christmas Eve
Feb 14	Valentine's Day	Jul 4	Independence Day	Dec 25	Christmas Day
Feb 20	Presidents' Day	Sep 4	Labor Day	Dec 31	New Year's Eve
Apr 13	Thomas Jefferson's Birthday	Oct 9	Columbus Day		
Apr 16	Easter Sunday	Oct 31	Halloween		

MEMORANDUM

TO: Department Heads

FROM: Jerome Post 
Human Resource Director

SUBJECT: **2017** Holidays

DATE: October 17, 2016

Below please find the City-recognized holidays for **2017**:

MARTIN LUTHER KING, JR. DAY	MONDAY,	JANUARY 16, 2017
PRESIDENT'S DAY	MONDAY,	FEBRUARY 20, 2017
MEMORIAL DAY	MONDAY,	MAY 29, 2017
INDEPENDENCE DAY	TUESDAY,	JULY 4, 2017
LABOR DAY	MONDAY,	SEPTEMBER 4, 2017
VETERANS DAY (Observed)	FRIDAY,	NOVEMBER 10, 2017
THANKSGIVING HOLIDAYS	THURSDAY, FRIDAY,	NOVEMBER 23, 2017 NOVEMBER 24, 2017
CHRISTMAS HOLIDAYS (Observed)	FRIDAY, MONDAY,	DECEMBER 22, 2017 DECEMBER 25, 2017
NEW YEAR'S HOLIDAYS (Observed)	FRIDAY, MONDAY,	DECEMBER 29, 2017 JANUARY 1, 2018

And any other days the City Council may declare, shall be observed by the City.

lm/nc



ADDITIONAL INFORMATION

CITY OF PORT ST. LUCIE CITY ATTORNEY

COUNCIL ITEM #13
DATE 11/28/16

MEMORANDUM

TO: GREGORY J. ORAVEC, MAYOR

FROM: O. REGINALD OSENTON, CITY ATTORNEY *ORO*

DATE: NOVEMBER 17, 2016

SUBJECT: UPCOMING DISCUSSION RE: RULES OF COUNCIL

Received

NOV 17 2016

City of Port St. Lucie
City Council

I have reviewed the Council Rules in anticipation of the discussion relating to possible changes at Monday's Special City Council meeting. As promised, I am providing this memo for your consideration of possible changes I would suggest. In my opinion none of these are urgent, but still I would suggest the following:

1. Section 3(b) (Regular Meetings) states council meetings will be on the second and fourth Monday's of the month. I would tweak it to say council may adjust the schedule to accommodate the holidays in December.
2. Several places refer to "his" or "her" such as in reference to the City Attorney. I would suggest putting "his or her" throughout.
3. In Section 9(d) (Conduct of Meetings) I would change reference to "the Mayor" to "the presiding officer" or "the chair" in case the Vice Mayor or someone else is presiding.
4. Section 10(d) (Public Hearings) is where I would incorporate by reference the quasi-judicial procedures.
5. You might consider adding language to Section 13 (Attendance) allowing for telephonic appearance of council members in exceptional circumstances such as health issues. According to the Florida Attorney General, a member attending telephonically does not count toward a quorum, but once a quorum is established, that member may vote. Incidentally, City Clerk Phillips mentioned to me that she will need to adjust the dais to accommodate appearances by telephone or Skype.

I will follow up with drafting specific language for whatever changes council directs at the special meeting.

Thank you.

ORO/ks

cc: Shannon Martin, Councilwoman, District 3
Patricia Roebing, P.E. Interim City Manager

Resolution 14-R 111
Approved 7/14/14

CITY OF PORT ST. LUCIE
RULES OF COUNCIL

SECTION 1. DECLARATION OF PUBLIC POLICY. It is the intent of these rules that the deliberations and actions of the Council be conducted and taken openly in order that the citizens may be fully informed, it being the finding of the Council that the citizens must be fully informed if they are to be intelligently advised as to the conduct of public business by the Council.

SECTION 2. DEFINITIONS. For the purpose of these rules, the following definitions shall prevail:

(a) A "meeting" is a gathering of a quorum of the membership of the Council for the purpose of receiving information relating to public business, or for discussion of public business, or for final action upon public business.

(b) A "regular meeting" is a meeting held pursuant to a schedule of such meetings as approved by the Council to enact ordinances and resolutions, conduct public hearings and otherwise discuss and act upon matters of public interest.

(c) A "special meeting" is a meeting held on the call of the Mayor or upon the request of a Councilmember to the City Manager with the concurrence of a majority of the members of the Council which shall be ascertained by the City Manager. A "special meeting" is held for the purpose of addressing matters requiring the immediate attention of the Council or for the purpose of addressing matters which the Council has determined are best addressed at a special meeting. When a special meeting is called, the Mayor or members of the Council shall specifically state the purpose of the meeting and the Council shall address only those matters for which the meeting was called.

(d) A "Workshop Meeting" is a meeting held for the study and discussion of affairs of the City. Workshop meetings will be held pursuant to a schedule of such meetings as approved by the Council. No formal or binding action may be taken at these meetings other than to direct further consideration at a regular meeting.

(e) The "Council" shall refer to the City Council of the City of Port St. Lucie.

(f) "Councilman (Councilmen), Councilwoman (Councilwomen) and Councilmember(s)" shall refer to the Mayor and members of the City Council of the City of Port St. Lucie.

SECTION 3. MEETINGS.

(a) Location. All meetings of the Council shall be held in city hall, unless the Council indicates another location, and shall be open to the public as required by law.

(b) Regular Meetings. The Council shall hold regular monthly meetings on the second and fourth Monday night of each month beginning with the second Monday in January of each year. Unless otherwise noticed, regular meetings shall commence at 7:00 p.m. When the day fixed for regular meetings falls on a day designated by law as a legal holiday, the meeting shall be held on the Tuesday following that Monday holiday or as otherwise designated by the Council.

(c) Public Notice. The Council shall give public notice of the schedule of meetings and shall state the dates, times and places for such meetings. Public notice of any special meeting or of any reconvened meeting shall be given before such meeting. Public notice shall be given by posting a copy of the notice at City Hall. The City shall supply copies of the notices of its meetings to any local newspaper of general circulation, or any local radio or television station that has filed an annual request with the City Clerk for such notice.

SECTION 4. MINUTES, AGENDAS AND REPORTS.

(a) Minutes identifying all matters coming before the Council and setting forth the action, if any, thereof, shall be promptly recorded and transcribed by the City Clerk and such records shall be open to public inspection.

(b) At the direction of the City Manager, the City Clerk shall prepare an agenda for all regular and special meetings. The agendas for all meetings will be prepared and made available to the public, the press and to each Councilmember on the Wednesday preceding each regular meeting providing, however, that when Council meeting dates have been changed due to holidays, or otherwise, the preparation and distribution of the agenda shall be adjusted accordingly. A copy of the agenda shall be posted at the entrance to the meeting room or place prior to the commencement of such meeting.

SECTION 5. PRESIDING OFFICER. The Mayor shall preside at all meetings, if present, and if absent, the Vice-Mayor, and in his absence the Mayor Pro Tem of the Council shall preside.

SECTION 6. ORDER OF BUSINESS. All meetings of the Council shall be open to the public promptly at the hour set on the date of each meeting. The members of the Council, City Manager, City Clerk, and City Attorney shall take their regular stations and the business of the Council shall be taken up for consideration and disposition in substantially the following order:

- (a) Meeting called to order.
- (b) Roll call.
- (c) Invocation.
- (d) Pledge of Allegiance.
- (e) Proclamations and special presentations.

- (f) Public to be Heard. (~~Agenda items only~~)
- (g) Additions or deletions to agenda and approval of agenda.
- (h) Approval of consent agenda.
- (i) Second reading, public hearing of ordinances.
- (j) Other public hearings.
- (k) First reading of ordinances.
- (l) Resolutions.
- (m) Unfinished business.
- (n) New business.
- (o) Determination of excused absences.
- (p) City Manager's Report.
- (q) Councilmembers report on committee assignments.
- (r) Public to be heard (if necessary as determined by City Council at conclusion of Public to be Heard).
- (s) Adjourn.

The above form the headings for the agenda for regular meetings. Staff and Council members desiring to have a particular subject matter placed upon the agenda may make a request therefor to the City Manager. Members of the public must have a Councilmember or the Mayor agree to sponsor their request before submission to the City Manager. All requests shall be accompanied by any information or documentation supporting the subject matter of the request and shall indicate the approximate length of time required for any presentation to the Council. Except in unusual circumstances, no item shall be placed on the meeting agenda until the subject has been referred for comment to whatever department, advisory board or combination of them that has an

interest in the subject matter. Any such request shall be promptly considered and placed upon the agenda without undue delay.

SECTION 7. PREPARATION OF ORDINANCES, RESOLUTIONS.

(a) No ordinance shall be prepared for presentation to the Council unless directed by a majority of the Council, requested by the City Manager, or prepared by the City Attorney on his her own initiative, unless otherwise provided by ordinance or by the City Charter.

(b) All ordinances and resolutions shall, before presentation to the Council, have been approved as to form by the City Attorney, or his her authorized representative. All those instruments shall first be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance or resolution would be involved and shall be approved by the department head. If approval is not given, then the instrument shall be returned to the City Manager with a written memorandum of the reasons why approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection or the objection is not withdrawn and approval in writing given, then the City Manager shall so advise the Council and give the reasons advanced by the department head for withholding approval.

SECTION 8. VOTING. When a motion that is in order has been made and seconded, the Mayor formally places it before the Council by having the Clerk read the exact motion into the record. Thereafter the motion is open to debate.

Voting on all motions, resolutions and ordinances, except adjournment, shall be by "yes" and "no" upon call of the roll of members by districts. Any comments by Councilmembers as to the subject matter of a motion should be made during the debate thereon rather than at the time the Councilmember's vote is cast so that other members of

the Council may have the benefit of those comments during the debate and before their vote is cast. The call of the roll shall be rotated as items come up for vote.

SECTION 9. CONDUCT OF MEETING.

(a) The presiding officer shall preserve order and decorum at all meetings.

(b) When considering matters noticed for a public hearing, the applicable ordinances or resolution shall first be read by its title only. The presiding officer shall declare the public hearing open and receive comments from the public.

(c) During Council meetings, Councilmembers shall maintain order and decorum. Every Councilmember desiring to speak shall address the chair and, upon recognition by the chair, shall confine himself to the question under debate. Each Councilmember desiring to speak shall be recognized once before a Councilmember shall be recognized a second time. Every Councilmember desiring to question the administrative staff shall address his question to the City Manager or attending Department representative. During Council discussion, Councilmembers may also, with leave of the presiding officer, direct questions to others in attendance at the Council meeting. A Councilmember once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions of another member.

(d) City staff and citizens must be recognized by the Mayor before speaking or asking questions. The purpose of this requirement is so that there is order and so that the recording equipment will properly record all comments made by individuals wishing to comment on a specific subject.

(e) 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. Individuals that appear before the City Council are required to state their name and their address for the public record. The purpose of this requirement is so that they are properly reflected in the Council minutes and are available for future reference.

(f) In order to address the Council regarding an agenda item citizens are required to complete a public participation card indicating the agenda item(s) they wish to address. Public comments will be limited to three (3) minutes per person so that all may be heard on the matter and the presiding officer, or his designee, shall in such instances monitor the timing and give the speaker a thirty (30) second notice prior to the expiration of the time allotted. The presiding officer may, at his discretion, or at the direction of a majority of the Council, extend the time allowed for an individual to speak or to allow a speaker a single opportunity to rebut comments made by another speaker. Any such rebuttal shall be limited to three (3) minutes. After receiving public comments as provided herein, the public hearing shall be closed and all further discussion on the matter shall be limited to members of the Council. One participant's allotted time for addressing the Council may not be donated to another participant.

(g) Those persons wanting to express his or her opinion on an agenda item noticed for public hearing without addressing the Council may do so on the appropriate color-coded participation card which the City Clerk shall make available, and when completed and returned to the City Clerk shall be made part of the public record of the proceedings. Individuals may express on the card that they are "FOR", "AGAINST", or "UNDECIDED" regarding the agenda item they reference on the card.

(h) As the Council considers agenda items, other than items noticed for public hearing, the presiding officer shall accept comments from those who have presented public

participation cards to the clerk at the commencement of the meeting and may, at his discretion, or at the direction of a majority of the Council, accept comments from those in attendance.

(i) The Council shall follow the order of business as established by the agenda for that meeting; however, in the event a Council meeting continues past the hour of 11:00 o'clock p.m. it shall be the policy of the Council to complete, if possible, the item then under consideration and thereafter table all other agenda items scheduled for that meeting to a meeting to be scheduled by the City Council for the purpose of completing those agenda items or, if the Council is unable to convene such a meeting, then the Council shall table the remaining agenda items to the next immediately available Council meeting.

(j) The Council may reconsider an item, that is, bring back for further consideration, a motion which has already been voted on. To provide usefulness, and protection against abuse, the motion to reconsider can only be made by a Councilmember who voted on the prevailing side of the original motion.

SECTION 10. PUBLIC PARTICIPATION.

Avenues for Citizens to Participate in Decision Making Process:

- (i) Public to be Heard
- (ii) Submission of Petitions
- (iii) Citizen Agenda Items
- (iv) Public Hearings
- (v) Regular Agenda Items
- (vi) City Council Discussion items

(a) Public to be Heard

~~(i) The Council recognizes that some citizens wanting to comment on agenda items may not be able to stay throughout the meeting. Therefore, the Council allocates 30 minutes at the beginning of each City Council meeting for citizens who wish to~~

~~appear before the City Council to and comment on any agenda item for that meeting. The Mayor will divide the time equally between all who have signed up to speak; but in no case may a citizen speak longer than three (3) minutes. Citizens addressing an agenda item at this time will not be recognized when that agenda item is later called during the meeting.~~

(ii)(i) The City Council also allocates thirty (30) minutes at the end beginning of each 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 for some other type of recognition but in no case may a citizen speak longer than (3) minutes. If an item brought forward under Public to be Heard requires a longer presentation by the citizen or will require staff research or materials, the item may be scheduled by the Mayor for a future City Council meeting as an Agenda item. Citizens who signed up to address the City Council but were unable to do so because of the expiration of the thirty (30) minute limitation will be given an opportunity to address the City Council at the conclusion of the regular Council business agenda.

(ii) During this item, citizens will not be permitted to address matters that are on the agenda for the regular portion of the meeting.

(iii) In order to address the Council on an agenda item, other than a Public hearing or to speak during Public to be Heard, the appropriate color-coded participation card must be completed prior to the beginning of the City Council meeting and given to the City Clerk. The City Clerk will be responsible for making sure that cards are located outside the City Council Chambers 30 minutes prior to the Council meeting. Citizens can also pick up cards during business hours prior to a City Council meeting at the City Clerk's office. The City Clerk, or a person designated by the City Clerk, will be responsible for assisting individuals in completing the card and presenting the cards to the Mayor prior to convening

the City Council meeting.

(iv) During the Public to be Heard portion of the Council meeting, no dialogue will occur between Council members and the public. Council members may comment at the close of this item.

(b) Submission of Petitions to the City Council

(i) When submitting petitions to the City Council, the petition should state clearly its purpose. The person presenting the petition must provide it to the Mayor at the beginning of the presentation and state a brief overview of its purpose. If not submitted on an item already on the agenda, the City Council will accept the petition and may schedule the item for discussion on the next available agenda.

(ii) When petitions are received by the City by mail, a copy of the petition will be presented to the City Council and it will be placed on the next available City Council Meeting for discussion by the City Council.

(c) Citizen Agenda Items

(i) Agenda items proposed by citizens may be placed on the City Council Agenda under two (2) circumstances:

(A) An item brought before the City Council during Public to be Heard and is unable to be presented within the three (3) minute time frame or needs additional research or materials so that the City Council can properly respond, may be rescheduled by the Mayor for a future City Council meeting as an Agenda item.

(B) A citizen may request in writing to appear on the City Council Agenda and file such request with the City Clerk's office a minimum of two (2) weeks in advance of the City Council meeting. The letter shall state the nature of the request and ask that the item be placed on an upcoming City Council Agenda. A copy of the letter will

be provided to the City Council on the day that it is received by Clerk's Office, but no action will be taken by the Clerk until said copy is endorsed or sponsored by at least one (1) council member or the Mayor. Thereafter, a copy of the letter will be provided to the proper City department so that research can be conducted and information provided to the City Council.

(ii) Agenda items are to be considered like all other items on the City Council Agenda. The format for consideration will be as follows:

- Presentation by the individual asking to address the City Council
- Questions of the individual by the City Council
- Presentation by City staff, if necessary
- Questions of the City staff by the City Council
- Public comment
- Discussion by the City Council
- Motion and vote on the item, if necessary

(d) Public Hearings

Public Hearings are formal, 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 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 Second Readings of Ordinances are conducted as formal public hearings as a normal agenda item. In those cases, the Mayor will announce that this is a public hearing.

The applicant may have as much time as necessary 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. As with all agenda items, persons wishing to address the issue should have completed an appropriate participation card prior to the beginning of the meeting.

The order of a Public Hearing will be as follows:

- 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
- Public comments
- Questions of citizens by the City Council or applicant
- Final Comments by 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 discussion)
- Decision by the City Council

(e) Regular Agenda Items

The City Council provides an avenue for citizens to address all other agenda items. This allows citizens to speak in favor of, in opposition to, or ask questions about a normal agenda item. If the item is on Consent Agenda, the City Council may withdraw the item from the Consent Agenda. If the item is on Consent Agenda, the citizen will need to complete the appropriate color-coded participation card and give the card to the City Clerk prior to the beginning of the meeting. The Mayor will inform the City Council that a citizen has requested that an item be removed from the Consent Agenda. If the City Council desires to remove the item from the Consent Agenda, the City Council will need to remove the item for discussion purposes. If the item is removed from the Consent Agenda, the citizen is allowed to address the item. When an item is removed from the Consent Agenda, citizens will be allowed three (3) minutes to comment or ask questions about the item. If the citizen's questions cannot be answered quickly, the City Council may table the item and schedule it as a regular City Council Agenda item, or may take final action on the item.

If the item is on the non-Consent Agenda portion of the Agenda, citizens will be given up to three (3) minutes to comment or ask questions about the agenda item. The

Mayor must recognize all who wish to speak and have signed participation cards.

The order of consideration of an agenda item that has been removed from the consent agenda and all other regular agenda items will be the same as a regular public hearing item, above.

(f) City Council Reports and Comments

The City Council has scheduled an item where the Council reports on the various committees and groups on which they represent the City, and to make comments in general.

(g) 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.

SECTION 11. DECORUM. The presiding officer shall preserve strict order and decorum at all meetings.

(a) 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 expected to observe the same principles when making comments on items and issues presented to the City Council for their consideration.

(b) Staff members and citizens are required to use proper language when addressing the Council or the audience. Staff members and citizens shall not use profanity or cursing, aggressive or threatening behavior when addressing the City Council or other participants. All comments are directed to the Mayor and not to individual members of the City Council or to the audience. [City Council meetings are business meetings where the business of the City is conducted.] No personal verbal attacks toward any individual will be

allowed during the conduct of a City Council meeting. The Mayor or Chair may have individual(s) removed from the podium and/or City Council Chambers if such conduct persists after a warning has been issued.

(c) All members of the Council shall accord the utmost courtesy to each other, the City employees and the public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. During Council meetings cell phones are to be turned off or silenced. Use of cell phones by Council members and City staff for talking, texting, emailing or otherwise will not be allowed during meetings while at the dais, except for emergency communications or while on breaks.

(d) In addition to the prohibitions in (c), above, Section 871.01, Florida Statutes, declares that any person who willfully interrupts or disturbs any assembly of people meeting for any lawful purpose shall be guilty of a misdemeanor of the second degree, and may be arrested by police officers present. This may be done in the absence of the conduct being noted, or of the offender being called to order, by the presiding officer.

(e) In the case that any person is declared out of order by the presiding officer and ordered expelled, and does not immediately leave the Council Chambers, the following steps shall be taken:

(i) The Mayor or chair shall declare a recess.

(ii) The person shall be approached by a police officer and advised that he has been ordered expelled.

(iii) In case the person does not remove himself from the area he may be placed under arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

(iv) In the event any person who is ordered expelled leaves the Council Chambers voluntarily and then returns to the same meeting, he is subject to arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

The City Manager shall, during all public meetings, have a uniformed certified law enforcement officer present.

SECTION 12. BOARDS AND COMMITTEES. Members of the City Council have the opportunity and responsibility to represent the interest of the City on various boards and committees that may, from time to time, be established. Participation in these boards and committees is an opportunity for the City to present points of view that are beneficial to the City and an opportunity to participate in decision making processes that may be of significant importance to the City. The standing committees presently established wherein Councilmembers participate are as follows:

- (a) Treasure Coast Council of Local Government (TCCLG)
- (b) Tourist Development Council (TDC)
- (c) St. Lucie Transportation Planning Organization (TPO)
- (d) Council on Aging
- (e) St. Lucie County Fire District
- (f) Treasure Coast Regional Planning Council (TCRPC)
- (g) St. Lucie County Chamber Board of Directors
- (h) Roundtable of St. Lucie County
- (i) Treasure Coast Regional League of Cities (TCRLC)

Each Councilmember shall be responsible to accept appointment to at least two (2) of these committees and, once appointed, shall attend duly called meetings of these

committees and report back to the Council the activities of and actions taken by the respective boards and committees. The failure to fulfill committee responsibilities may result in censure against the Councilmember involved.

SECTION 13. ATTENDANCE. Three unexcused absences by a Councilmember during the current term of office of that Councilmember from meetings of the City Council, including regularly scheduled meetings and special meetings duly called and noticed, shall constitute grounds for forfeiture of the said Councilmember's office pursuant to Section 3.02 of the Charter of the City of Port St. Lucie. The City Council shall review any reasons or excuses presented by a Councilmember related to that Councilmember's absence at the next preceding meeting and by majority of the Council determine whether that absence should be excused.

Members in attendance at a Council meeting must be present when votes are taken and must cast a ballot or, pursuant to Section 28.012, Florida Statutes, declare that there is, or appears to be, a possible conflict of interest according to Florida law and thereupon comply with the disclosure requirements of Section 112.3143, Florida Statutes.

SECTION 14. COUNCILMEMBER CONDUCT. Members of the Council must at all times recognize that their actions, both public and private, may reflect upon the Council as a whole and further may reflect upon the City of Port St. Lucie. Conduct unbecoming of a public official may result in appropriate action taken by the City Council including, pursuant to Section 3.02 of the Charter of Port St. Lucie, forfeiture of the office of Councilmember.

SECTION 15. WAIVER OF RULES. The Council may, at any time, upon a motion and majority approval, waive all or a portion of these rules of procedure during the course of a meeting.

RESOLUTION 14-R111

A RESOLUTION PROVIDING FOR THE ADOPTION OF THE RULES OF COUNCIL, REPEALING THE PREVIOUSLY ADOPTED RULES OF COUNCIL; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby approves and adopts those Rules of Council as set forth in Exhibit "A" attached hereto and by reference incorporated herein.

Section 2. That the Rules of Council previously adopted and amended be and the same are hereby repealed including, but not limited to, Resolution 13-R99.

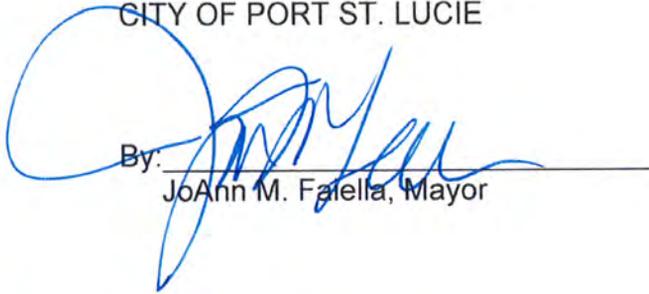
Section 3. This resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 14th day of July, 2014.

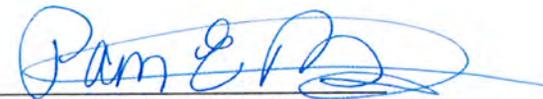
CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:


Karen A. Phillips, City Clerk

By: 
JoAnn M. Faiella, Mayor

APPROVED AS TO FORM:


Pam E. Booker, City Attorney



RESOLUTION 16-R 79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA ADOPTING NEW RULES AND REVISIONS GOVERNING CITY COUNCIL PROCEDURES AND POLICIES FOR QUASI-JUDICIAL PROCEEDINGS; PROVIDING SUPPLEMENTAL PROCEDURES AND STANDARDS APPLICABLE TO QUASI-JUDICIAL PROCEEDINGS; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article II, Section 3.10(b) of the Charter of the City of Port St. Lucie (the "City"), the City Council shall determine its own rules by resolution and publish same sixty (60) days after the installation of each new council; and

WHEREAS, the City Council recognizes that City Council proceedings constitute a limited public forum, as established by the applicable law, which is subject to reasonable limitations and regulations recognizing governmental interests including, but not limited to, proper decorum, the conducting of orderly and efficient meetings, controlling the City Council agenda and remaining on topic to the matters at issue, managing time, and preventing unreasonable interruptions and disruptions; and

WHEREAS, the City Council recognizes that certain decisions of the City Council are quasi-judicial in nature, and in such matters it may be a fundamental requirement that parties and interested persons in relation such quasi-judicial proceedings be given an opportunity to be heard in an equitable and efficient manner and otherwise be afforded procedural due process; and

WHEREAS, the City Council has determined it necessary to enact more exacting provisions in relation to quasi-judicial proceedings such that this Resolution shall control to the extent of any conflict with any previously enacted City resolution relating generally to City's conduct of public business by the City Council and therefore desires to enact written quasi-judicial procedures to ensure that participants in a quasi-judicial proceeding, and the public, are provided with reasonable opportunities to be heard in a public hearing forum that is predictable, consistent and provides due process to all participants; and

WHEREAS, it is the intent of the City Council that quasi-judicial procedures as adopted and established by this Resolution, comply with Section 286.0115 of the Florida Statutes, authorizing a local government to adopt quasi-judicial procedures by ordinance or resolution, thereby removing the presumption of prejudice from ex-parte communications with local public officials during the conduct of quasi-judicial hearings conducted in compliance with the procedures as adopted by City Council; and

WHEREAS, the quasi-judicial procedures and policies as set forth herein, are designed to provide notice and guidance to all participants, and the public, who appear before the City Council or other board, as such board may be established by the City Charter and/or the Port St. Lucie City Code of Ordinances, that the conduct of meetings wherein quasi-judicial decisions are required to

RESOLUTION 16-R 79

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:

SECTION 1. Recitals. This City Council adopts and ratifies those matters set forth in the foregoing recitals.

SECTION 2. Purpose. It is the policy of the City of Port St. Lucie ("City") to provide notice and guidance to all individuals and entities who appear before the City Council or by any City Board or Committee, acting in a quasi-judicial capacity, that said proceedings shall be subject to a public hearing and will be governed by the quasi-judicial proceedings set forth herein below shall govern said quasi-judicial public hearings.

SECTION 3. Scope and Applicability. These procedures shall apply to all quasi-judicial hearings held by the City Council or by any City Board or Committee which holds quasi-judicial hearings. The City Attorney shall determine which matters are quasi-judicial in nature and shall direct the City Clerk or Board liaison to designate specially such matters on the agenda.

SECTION 4. Definitions.

- a) *Applicant:* The owner of record or his or her authorized agent.
- b) *Application:* The original document filed by the Applicant which has given rise to the quasi-judicial proceeding. This includes, but is not limited to, requests for variances, special exception uses, and rezonings.
- c) *Citizen Participant(s):* Those members of the general public, other than the City's representatives or Staff or the Applicant, who attend a quasi-judicial public hearing for the purpose of being heard on a particular Application.
- d) *Ex Parte:* Any communication, oral or written, between members serving on the applicable City Council, board or committee members and the public, other than those made on the record at the public hearing.
- e) *Official City File:* The City's project file that is established and created for a particular application, which shall include, but not be limited to, the Application at issue, all written communications exchanged between the City and the Applicant prior to the public hearing, all Staff Reports (including any recommendation, if applicable), if any, and pertinent sections of the City Code and Florida Statutes, and all other pertinent documents and materials on the matter.
- f) *Party Intervenor(s):* A person, entity, or designated representative or spokesperson of a recognized group who is authorized by the City Attorney to intervene as a party in a quasi-judicial proceeding.

RESOLUTION 16-R 79

- g) *Quasi-Judicial Proceedings*: Proceedings where existing policies and regulations are applied to a specific property.
- h) *Record*: Refers to the testimony at the public hearing and the materials which are contained in the Official City File on the Application by the conclusion of the hearing.

SECTION 5. Ex Parte Communications. In all quasi-judicial hearings, all rulings must be based only upon the evidence presented at the hearing. In accordance with Section 286.0115(1) of the Florida Statutes, ex parte communications with City Council, Board or Committee members in quasi-judicial matters is permissible and the adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with City Council, Board or Committee members:

- a) The substance of any ex parte communication with a City Council, Board or Committee member which relates to the quasi-judicial action pending before the said City Council, Board or Committee is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the Record before the final action on the matter.
- b) A City Council, Board or Committee member may read a written communication from any person. However, a written communication that relates to a quasi-judicial action pending before the City Council, Board or Committee shall not be presumed prejudicial to the action, and such written communication shall be made a part of the Record before final action on the matter.
- c) A City Council, Board or Committee member may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the Record before final action on the matter.
- d) Disclosure made pursuant to subparagraphs 1, 2, and 3 must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.

SECTION 6. General Procedures for Quasi-Judicial Proceedings.

- a) Any hearing listed on a City Council, Board or Committee agenda as a quasi-judicial public hearing will be conducted pursuant to these rules. This means that the applicable Council, Board or Committee is required by law to base its decision on the evidence contained in the Record of this proceeding, which consists of the testimony at the hearing and on the materials which are in the Official City File on this Application.

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- b) A complete copy of the Official City File shall be submitted by the applicable City department to the City Council, Board or Committee clerk no later than five (5) calendar days prior to the public hearing. All documents submitted at the public hearing shall be supplemented by the City and/or City Council, Board or Committee clerk at the hearing. The Official City File shall be made available upon request for public inspection at the City Clerk's Office upon reasonable request.
- c) Party Intervenors: The City Attorney, at his or her sole discretion, may allow a person to intervene as a Party Intervenor if they have an interest in the Application which is different than the public at large. Persons wishing to be designated as Party Intervenors shall submit a written request to intervene no later than 5 days prior to the hearing. The written request must include a detailed outline of their interest in the Application, a synopsis of their argument, copies of all documents which they intend to present at the hearing and a list of all witnesses they intend to call to testify on their behalf.
- d) Time Limits:
 - i. City Staff Time Limits: The City staff shall have up to twenty (20) minutes (including the presentation of witnesses and expert witnesses) to present the City's argument.
 - ii. Applicant's Time Limits: The Applicant shall have up to twenty (20) minutes (including the presentation of witnesses and expert witnesses) to present the Applicant's argument.
 - iii. Party Intervenor's Time Limits: The Party Intervenor shall have up to twenty (20) minutes (including the presentation of witnesses and expert witnesses) to present the Party Intervenor's argument.
 - iv. Citizen Participants: Citizen Participants, if applicable, shall each have three (3) minutes to speak.
 - v. The time limits listed hereinabove exclude any applicable time expended for cross-examination or questions from the City Council, Board or Committee members.
 - vi. Extension of Time: The City Council, Board or Committee, at its sole discretion, may extend the time for presentations upon reasonable request.

SECTION 7. Conduct of the public hearing.

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- a) The chairperson of the City Council, Board or Committee shall call the proceeding to order and announce that the hearing has begun and shall explain the rules concerning the quasi-judicial procedures, testimony and admission of evidence. The Applicant, City staff and/or the City Council, Board or Committee may request a waiver of certain rules contained herein to ensure efficiency and fundamental fairness to all parties. Such waiver must be mutually agreed to.
- b) At the beginning of the hearing, the City Council, Board or Committee members will announce for the record any "ex parte" communications not previously disclosed in writing and included in the Official City File. The name of the person with whom the contact occurred and the subject matter of the discussion will be disclosed.
- c) The City Clerk, or similar individual attending the meeting of the City Council, Board or Committee, will administer an oath to all persons who intend to testify at this public hearing. Each Applicant shall disclose any consideration provided or committed directly, or on its behalf, for an agreement to support, or withhold objection to, the requested relief or action.
- d) The presentation of the matter shall be in the following order:
 - i. the City staff shall first place the Official City File into the Record and thereafter make its initial presentation;
 - ii. the Applicant will then make a rebuttal presentation;
 - iii. a Party Intervenor, if applicable, shall make a presentation;
 - iv. Citizen Participants may speak for or against the Application;
 - v. the City Staff, the Applicant and any applicable Party Intervenor shall have two (2) minutes each for rebuttal and/or closing statements; and
 - vi. the City Council, Board or Committee shall commence deliberations and render a decision based on the Record.
- e) All witnesses are subject to cross-examination during the hearing. After presentations have been made by the City staff, the Applicant and any Party Intervenor, if applicable, cross-examination will be permitted on the witnesses in the public hearing, including the City staff, the Applicant and any Party Intervenor, in order of their appearance at the hearing. Cross examination shall be limited to two (2) minutes per witness. However, the Mayor or person presiding as the Chairperson over the meeting may enlarge the time period allowed for cross-examination when necessary to ensure due process is provided. Anyone who testifies at the hearing should remain until the conclusion of the hearing in order to be able to respond to any questions.

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- f) During the presentation of the case and testimony by City staff, the Applicant, and the Party Intervenor, if applicable, only the City Council, or Board or Committee members are permitted to ask questions and may ask questions at any time during the proceeding.
- g) The Mayor or Chairperson of the City Council Board or Committee or the legal advisor to the City Council, Board or Committee shall have the authority to determine if the questions and evidence are relevant. If the questioning is deemed to be improper or irrelevant, the chairperson or the legal advisor to the City Council, Board or Committee shall have the authority to halt the line of questioning.
- h) At the conclusion of the hearing, the City Attorney or legal advisor shall advise the City Council, Board or Committee as to the applicable law and the factual findings that must be made to approve or deny the Application.

SECTION 8. Severability. If any portion, section, paragraph, sentence, clause or word of this Resolution is determined by a court of competent jurisdiction to be unconstitutional, invalid, unenforceable, inoperative or void, then such a determination shall not affect the validity of the remainder of this Resolution and the balance of this Resolution shall remain in full force and effect.

SECTION 9. Conflicts. This Resolution shall be supplemental to Resolution 14-R111, as duly passed and approved by the City Council on July 14, 2014, relating to the Rules of City Council, and this Resolution shall control to the extent of any conflict with Resolution 14-R111, in relation to quasi-judicial proceedings. Otherwise, this Resolution shall supersede any previous rules and order of business for quasi-judicial proceedings before the City Council, or other Board or Committee established by the City Charter, City Council, or the Port St. Lucie Code of Ordinances.

SECTION 10. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

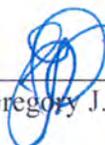
PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 10th day of October, 2016.

ATTEST:



Karen A. Phillips, City Clerk

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: 

Gregory J. Oravec, Mayor

APPROVED AS TO FORM: By: 

O. Reginald Osenton, City Attorney

