

RESOLUTION 2014 -6

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE STONEYBROOK WEST COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR THE OPPORTUNITY FOR THE PUBLIC TO BE HEARD AT BOARD MEETINGS AND WORKSHOPS; DESIGNATING PUBLIC COMMENT PERIODS; DESIGNATING A PROCEDURE TO IDENTIFY INDIVIDUALS SEEKING TO BE HEARD; DESIGNATING THE ORDER OF BUSINESS; DESIGNATING THE ORDER AS TO PUBLIC COMMENT ON AGENDA ITEMS; ADDRESSING PUBLIC DECORUM; ADDRESSING EXCEPTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the StoneyBrook West Community Development District (“District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situate in Orange County, Florida; and

WHEREAS, Chapter 190, Florida Statutes, authorizes the District to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, Section 286.0114, Florida Statutes, requires that members of the public be given a reasonable opportunity to be heard on a proposition before the District’s Board of Supervisors (“Board”); and

WHEREAS, Section 286.0114, Florida Statutes, establishes guidelines for rules and policies governing the opportunity of the public to be heard at public meetings; and

WHEREAS, the Board finds it to be in the best interest of the District to adopt by resolution a policy implementing a procedure for public comment at public meetings and workshops of the Board (the “Public Comment Policy”), for immediate application and use.

NOW, THEREFORE, BE IT REVOLVED BY THE BOARD OF SUPERVISORS OF THE STONEYBROOK WEST COMMUNITY DEVELOPMENT DISTRICT, AS FOLLOWS:

SECTION 1. Public Comment Periods. The Board’s chairperson, or his or her designee, District Manager or other person presiding over the meeting (“Chairperson”), shall ensure that there is at least one period of time (“Public Comment Period”) in the District’s meeting or workshop agenda affording the public an opportunity to be heard on propositions before the Board, as follows:

- a. An initial Public Comment Period shall be provided at the start of each Board meeting or workshop, prior to consideration of any propositions by the Board. In the event that there are propositions

that come before the Board that are not included in the published agenda, the Chairperson shall announce a Public Comment Period on such proposition prior to the Board voting on such matter.

- b. Speakers are permitted to address any agenda item or non-agenda item of business during the initial Public Comment Period. If the Chairperson determines that discussion of an issue will be better facilitated by having public comments made at the time the matter appears on the agenda, the Chairperson may ask those wishing to make public comments to wait until that time, and public comments shall be allowed at such time.
- c. Individuals desiring to make a public comment are limited to three minutes per person in any Public Comment Period. This time shall not include time spent by the speaker responding to questions posed by the Chairperson, Board members or staff. Potential speakers may not assign their time allotment to extend another speaker's time. The Chairperson or designee will keep time for each speaker and inform him or her when the speaker's time has expired, and may employ such timing devices as may be practicable to ensure that time limits are observed.
- d. The Chairperson may impose a cumulative time limit for all public comments on any item in order to facilitate orderly and efficient District business.
- e. The Chairperson may extend or reduce the time periods set forth herein in order to facilitate orderly and efficient District business; provided, however, that a reasonable opportunity for public comment shall be provided consistent with the requirements of Section 286.0114, Florida Statutes. The Chairperson may also elect to establish additional Public Comment Periods if he or she deems it appropriate with respect to any agenda item or otherwise.
- f. The Board is not required to respond to any speaker during the Public Comment Period; however, the Board may elect to address a speaker in its discretion. Ordinarily matters raised during the Public Comment Period which are not set for consideration on the current agenda should be deferred to the agenda for a subsequent meeting or should be considered at the end of the meeting on a time-permitting basis.

SECTION 2. Procedure to Identify Individuals Seeking to be Heard. In order for the District to facilitate efficient and orderly District business, individuals that desire to speak at a Board meeting or workshop must complete the speaker form provided by the District Manager, which shall include the individual's name and address, the proposition on which they wish to be heard, and, if appropriate, the designation of a representative to speak for

the individual's group, organization or faction. Should there be large groups, organizations or factions at the meeting or workshop (i.e., consisting of more than five individuals), the Chairperson may require that a representative of each group, organization or faction address the Board on a proposition before the Board, rather than all members of such group, organization or faction, but shall give such representative a minimum of ten minutes to address the Board. Further, any speaker speaking on behalf of such group, organization or faction shall indicate such person's representative capacity and shall cite the source of such authority, whether by request, petition, vote, or otherwise.

SECTION 3. Order of Business. The order of business at regular Board meetings shall be:

- a. Call to Order
- b. Roll Call
- c. Public Comment Period
- d. Approval of Minutes from Prior Meeting(s)
- e. New Business
- f. District Manager's Report
- g. Staff Reports
- h. Other Business
- i. Supervisor Comments
- j. Adjournment

The Board reserves the right to modify or amend the order of business.

SECTION 4. Order for Consideration of Agenda Items: To the extent possible, the following shall be the order of the proceeding with respect to the Public Comment Period on Agenda and Non-Agenda Items:

- a. Preliminary Statement. The Chairperson shall read the title of the item.
- b. Presentation of Item. The appropriate District staff person or consultant, or the petitioner or proposer of the agenda item shall make a presentation to the Board regarding the particular item under consideration. After completion of the presentation, the Board may make appropriate inquiries of District staff.
- c. Speakers. After Board inquiry, speakers shall be allowed to speak based on the procedures outlined in this Public Comment Policy. During and after a speaker's presentation, the Board shall have an opportunity to comment or ask questions of or seek clarification from such speaker. The Board may also allow staff to comment, ask questions of or seek clarification from speakers, all subject to the procedures set forth in this Public Comment Policy.

SECTION 5. Public Decorum. The following policies govern public decorum at Board meetings and workshops:

- a. No person shall comment without first completing the prescribed speaker form and being recognized by the Chairperson. Each individual desiring to speak shall proceed to the place assigned for speaking, and shall state his or her name in an audible tone of voice for the public record.
- b. All remarks shall be addressed to the Chairperson, and the Chairperson shall determine whether the Chairperson, a Board member, or a member of the District staff should respond to the speaker. Any Board member desiring to respond to the speaker should first address the Chairperson.
- c. No member of the audience shall interject comments while the Board is discussing any matter.
- d. Any Board member, by first addressing the Chairperson, may interrupt and/or stop any presentation that discusses matters that such Board member deems not germane to the matter then before the Board for consideration. At any Board proceeding, the Chairperson, unless overruled by majority of the Board members present, may restrict or terminate presentations which in the Chairperson's judgment are frivolous, unduly repetitive or out of order.
- e. Nothing herein shall be construed to prohibit the Chairperson from maintaining orderly conduct and proper decorum in a Board meeting or workshop. Speakers shall conduct themselves in a civil manner and refrain from disruptive behavior, and from making inappropriate or threatening remarks. The Chairperson shall have the discretion to remove any speaker who disregards these policies from the proceeding.
- f. In the event that any person, determined by the Chairperson to be out of order and requested to leave the meeting, does not immediately leave the meeting facilities, the following steps may be taken:
 - i. The Chairperson may declare a recess; and
 - ii. The Chairperson may contact the local law enforcement authority; and
 - iii. The Chairperson may pursue any available legal or equitable recourse against said person.

SECTION 6. Exceptions. The Board recognizes and may apply all applicable exceptions to Section 286.0114, Florida Statutes, including without limitation those set


forth in Section 286.0114(3) and other applicable law. Additionally, the Chairperson may alter the procedures set forth in this Public Comment Policy for public hearings and other special proceedings that may require an alternative procedure under applicable law.

SECTION 7. Severability. If any provision of this Resolution is held to be illegal, invalid or ineffective for any reason, the remainder of this Resolution shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this Resolution would have been adopted despite the illegality, invalidity or ineffectiveness of such provision.

SECTION 8. Effective Date. This Resolution shall become effective upon its passage and shall remain in effect unless and until repealed, and shall supersede any policy relating to public comment previously adopted by the District.

ADOPTED this 30th day of July, 2014.

**STONEYBROOK WEST COMMUNITY
DEVELOPMENT DISTRICT**

By: 
Name: _____
Title: _____

ATTEST:

By: 
Secretary