

RESOLUTION 2017-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE NORTH SPRINGS IMPROVEMENT DISTRICT ESTABLISHING A PUBLIC COMMENT POLICY, PROVIDING MEMBERS OF THE PUBLIC WITH A REASONABLE OPPORTUNITY TO BE HEARD AT DISTRICT BOARD MEETINGS IN ACCORDANCE WITH SECTION 286.0114, FLORIDA STATUTES; AND PROVIDING AND EFFECTIVE DATE

WHEREAS, the North Springs Improvement District (“District”) is a political corporation, independent special district and political subdivision of the State of Florida established pursuant to Chapter 2005-341, as amended and supplemented; and

WHEREAS, Chapter 2013-227, Laws of Florida, created Section 286.0114, Florida Statutes, requiring that the District Board of Supervisors (the “Board”) comply with the public participation requirements of the new law and providing an option for such local government boards to adopt rules or policies providing the public with the reasonable opportunity to be heard on certain matters presented or considered by the District Board; and

WHEREAS, the Board has determined that it is appropriate and proper to adopt certain rules or policies providing the public with a reasonable opportunity to be heard on certain matters presented to or considered by the District Board; and

WHEREAS, the District, pursuant to Chapter 190, Florida Statutes, is authorized to adopt resolutions as necessary to conduct the business of the District; and

WHEREAS, the District Board finds that it is in the best interest of the District to enact a policy pertaining to public comment at District Board meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE NORTH SPRINGS IMPROVEMENT DISTRICT, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as findings of fact of the District Board of Supervisors.

Section 2. The Board of Supervisors of the North Springs Improvement District hereby establishes and adopts, pursuant to Section 286.0114, Florida Statutes, the “Public Comment Policy,” as follows:

PUBLIC COMMENT POLICY

- A. Prior to the District Board of Supervisors (the “Board”) taking official action on a proposition or matter, members of the public shall be provided with a reasonable opportunity to be heard on such proposition or matter. The opportunity to be heard need not occur at the same meeting at which the District Board takes official action on a proposition or matter if the opportunity to be heard occurs at a meeting that is a part of the decision making process and is within a reasonable proximity in time before the Board takes the official action.
- B. This policy does not prohibit the Board from maintaining orderly conduct or proper decorum during any public meeting. The opportunity to be heard is subject to the policies adopted by the District Board, as provided herein.
- C. Members of the public shall each be limited to three (3) minutes in which to address the Board regarding a particular proposition or matter. In the discretion of the Board, a potential speaker may assign his or her three (3) minutes to extend another speaker’s time on any proposition or matter, provided that such time is not extended beyond fifteen (15) minutes. The public comment period on a particular proposition or matter shall be limited to a total of one (1) hour. Provided that the requirements of Section 286.0114, Florida Statutes, are satisfied, the presiding officer of the Board may extend or reduce the time periods set forth herein to facilitate the conduct of District business in an orderly and efficient manner while effectuating the intent and purpose of this policy.
- D. For meetings in which more than ten (10) members of the public (non-Board members and non-District staff) are in attendance or upon the determination of the presiding officer of the Board, individuals desiring to address the District Board on a particular proposition or matter shall sign in on a public comment sheet to be provided by the district manager of the District on which the individual shall include his or her name, address, the proposition or matter in which they wish to be heard, the individual’s position on the proposition or matter (for, against, or neutral), and if applicable, in the discretion of the Board, shall identify the representative designated to speak on his or her behalf.
- E. Additional policies governing the reasonable opportunity to be heard at a Board meeting:

1. Any person desiring to address the Board by oral communication shall first secure permission of the presiding officer of the Board, and prior to proceeding with any comment shall state his or her name and address for the public record.
 2. All remarks or comments shall be addressed to the Board as a body and not to any particular member thereof or to any member of District staff.
 3. No person, other than members of the Board, District staff and the individual having the floor and addressing the Board during public comment, shall be permitted to enter into any discussion, either directly or indirectly through members of the District Board of Supervisors.
 4. Nothing herein shall be interpreted to prohibit the presiding officer of the Board from maintaining decorum and orderly conduct during a public meeting.
- F. The requirements of this policy above do 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 of this policy would cause and unreasonable delay in the ability of the Board to act.
 2. An official act involving no more than a ministerial act, including, but not limited to, the approval of minutes and ceremonial proclamations.
 3. A meeting that is exempt from the requirements of Section 286.011, Florida Statutes.
 4. A meeting during which the Board is acting in a quasi-judicial capacity. However, this exemption does not affect the right of any person to be heard as otherwise provided by law.
 5. Any other exception provided for in Section 286.0114(3), Florida Statutes, or as specifically provided by law.

Section 3. The District Manager is hereby directed to take all actions necessary and consistent with the intent of this Resolution, including posting this Public Comment Policy on the District's website and making the same generally available to members of the public.

Section 4. All resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 5. If any clause, section or other part or application of this Resolution is held by a court of competent jurisdiction to be unconstitutional, illegal or invalid, in part or as applied, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. The Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 1st DAY OF FEBRUARY, 2017.

NORTH SPRINGS IMPROVEMENT DISTRICT

Attest:



Vincent Moretti, Secretary



Mark C. Capwell, President