

# BOARDS AND COMMITTEES HANDBOOK



WE SUPPORT OUR CITY GOVERNMENT TO BE  
PROACTIVE, ENGAGING, AND RESPONSIVE TO ENSURE  
HIGH LEVELS AND QUALITY OF SERVICE

Prepared by Patricia L. Rambosk, MMC  
City Clerk

March 6, 2023

# WELCOME

From the City Clerk



## CITY OF NAPLES BOARDS AND COMMITTEES HANDBOOK

Thank you for your interest in serving the City of Naples. Your participation on the City's boards and committees is important in developing Naples' programs and policies, and in providing quality, effective, and efficient delivery of public services to the community. Volunteers like you make a difference!

Any resident who would like to be considered for appointment to one of our boards or committees should click on the "How Do I?" tab on the City's website: [Naplesgov.com](http://Naplesgov.com) and select "Apply for an Advisory Committee". Alternatively, the information can be accessed by selecting "Departments" "City Clerk" and "Boards and Committees". Please review the board and committee information to determine what time commitment is involved for members. An application can be completed and submitted on our webpage.

Boards and committees have an important role in the governance process to allow for an in-depth examination of issues; serve as a communication channel between elected officials and the community; bring a wide range of ideas and expertise to public decision-making; assist in resolving conflicts; and provide training for new leaders. Boards and committees are established by Florida Statutes, ordinance, or resolution which provide the duties and the qualifications for members.

Committees may be standing or ad hoc. Standing committees are those that are considered permanent so long as they have an assigned mission with goals and objectives. The City Council evaluates its committees and may choose to create additional ones or to abolish some that no longer have an important mission and/or goal. Ad hoc committees may be appointed for specific and limited issues. These committees are temporary in nature and will be disbanded when the objectives are accomplished.

Board and Committee members need to be informed advocates and be familiar with Florida's Sunshine Laws, Public Records Laws, and City Ethics Laws. They should contribute to the group's productivity and abide by the rules. Members should be committed to attend scheduled meetings and be prepared to participate in the decision process.

If a member desires to preview the meeting agenda at home, please follow instructions as listed: Go to the City's website homepage [www.naplesgov.com](http://www.naplesgov.com); select "Naples TV" and "Upcoming Events"; then select "Agenda" for your meeting. This will open the agenda and make available the meeting packet documents which are listed under each item as attachments. City-owned iPads will be available for Board and Committee member use on the dais during each meeting.

*Patricia L. Rambosk*

Patricia L. Rambosk, MMC  
City Clerk



# TABLE OF CONTENTS

## WELCOME

Mayor and City Council Information .....	1
Meetings Location .....	2
City Clerk's Office staff .....	3
Citizen Appointments to Boards/Committees/Commissions .....	4-10
Handy tips to keep your meetings productive and on tract   voting conflict.....	11
Parliamentary procedure   Motions seconded   Members Should .....	12
Staff members   Members and staff responsibilities.....	13
<b>-CITY OF NAPLES CODE OF ORDINANCES-</b>	
<a href="#"><u>CODE OF ETHICS, CITY OF NAPLES</u></a> .....	14-22
Section 2-971 Title, intent, policy, mission	
Section 2-972 Definitions	
Section 2-973 Ethics training	
Section 2-974 Ethics guidance	
Section 2-975 Conflicts of interest	
Section 2-976 Gifts, honoraria, solicitations and loans	
Section 2-977 Disclosures	
Section 2-978 Whistleblower procedures	
Section 2-979 Lobbying	
Section 2-980 Complaints, investigations and hearings	
Section 2-981 Penalties and remedies	
Section 2-982 Severability	
Section 2-983 Article supplemental to state law; conflicts with state law	
Section 2-984 Liberal construction	
<a href="#"><u>ARTICLE V. BOARDS, COMMISSIONS, AND COMMITTEES</u></a> .....	23
Section 2-401 Qualifications of members	
Section 2-402 Appointments and reappointments	
Section 2-403 Length of term	
Section 2-404 Attendance at meetings	
Section 2-405 Removal	
Section 2-406 Role, job description	
Section 2-407 Staff assignments	
Section 2-408 Oversight by City Council Section	
Section 2-409 Conflicting provisions	
Sections 2-410 – 2-430	
<a href="#"><u>DIVISION 2   CODE ENFORCEMENT BOARD</u></a> .....	24
Section 2-431 Created; composition	
Section 2-432 Special magistrate	
Sections 2-433 to 2-450 Reserved	
<a href="#"><u>DIVISION 3   CITIZENS' POLICE REVIEW BOARD</u></a> .....	24-25
Section 2-451 Created; composition	
Section 2-452 Jurisdiction, powers and duties	
Sections 2-453 to 2-470 Reserved.	
<a href="#"><u>DIVISION 4   DESIGN REVIEW BOARD</u></a> .....	25-29
Section 2-471 Created; composition; terms; removal of members	
Section 2-472 Purpose	
Section 2-473 Jurisdiction; powers and duties	
Section 2-474 Organization; quorum; rules of procedure.	

Section 2-475 Applicability of design review; prohibitions	
Section 2-476 Procedure for review; criteria.	
Section 2-477 Appeals from decisions of board.	
Section 2-478 Design review board application fees	
Section 2-479 to 2-500 Reserved.	
<a href="#"><u>DIVISION 5   COMMUNITY SERVICES BOARD</u></a> .....	29-30
Section 2-501 established; composition; quorum; oath; meetings and records to be public	
Section 2-502 officers; meeting dates; minutes	
Section 2-503 Duties	
Section 2-504 Reports	
Section 2-505 Recommendations and findings advisory only	
Section 2-506 Soliciting and receiving gifts or bequests	
Section 2-507 Coordination of private and public recreation programs	
Sections 2-508 to 2-530 Reserved.	
<a href="#"><u>DIVISION 6   CONTRACTORS' EXAMINING BOARD</u></a> .....	30-32
Section 2-531 Membership; term of office; quorum	
Section 2-532 Jurisdiction; powers and duties	
Section 2-533 Organization; rules of procedure	
Sections 2-534 to 2-550 Reserved.	
<a href="#"><u>DIVISION 7   PLANNING ADVISORY BOARD</u></a> .....	32-34
Section 2-551 Membership; term of office; quorum; oath; meetings and records to be public	
Section 2-552 Jurisdiction; powers and duties; testimony or contacts by councilmembers	
Section 2-553 Organization; rules of procedure	
Section 2-554 Petition fees	
Sections 2-555 to 2-570 Reserved.	
<a href="#"><u>DIVISION 8   COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD</u></a> .....	34-35
Section 2-571. Creation and purpose	
Section. 2-572. Composition; term of office; quorum	
Section. 2-573. Duties	
Section. 2-574. Staff assistance; allocation of expenses	
Sections 2-575 to 2-580 Reserved	
<a href="#"><u>DIVISION 9   PUBLIC ART ADVISORY COMMITTEE</u></a> .....	35-36
Sec. 2-581. Creation and purpose	
Sec. 2-582. Established, composition, term of office; quorum; officers; oath; meetings and minutes.	
Sec. 2-583. No compensation	
Sec. 2-584. Duties	
Secs. 2-585—2-600. Reserved	
 <b>RESOLUTION 2017-13970</b>	
Meeting Attendance .....	37-38
<b>RESOLUION 1995-7474</b>	
Procedures to remove the Presumption of Prejudice regarding ex parte .....	39
<b>RESOLUTION 2021-14640 &amp; RESOLUTION 2022-14922</b> .....	40-57
Chapter 286 Florida Statutes.....	58
and Guide to Flo0rida's Government-in-the Sunshine Laws, open meetings and Public Records	

# MAYOR AND CITY COUNCIL



Left to right: Council Ted Blankenship, Council Gary Price, City Attorney Nancy Stuparich, Council Terry Hutchison, Council Raymond Christman, Mayor Teresa Heitmann, Council Paul Perry, Council Michael McCabe, Interim City Manager Dana Souza and City Clerk Patricia Rambosk.

- [Mayor Teresa Heitmann](#)
- [Vice Mayor Michael McCabe](#)
- [Council Member Terry Hutchison](#)
- [Council Member Beth Petrunoff](#)
- [Council Member Ted Blankenship](#)
- [Council Member Paul Perry](#)
- [Council Member Raymond Christman](#)



## MEETINGS

City Council meetings are generally held the first and third Wednesday of each month, with the exception of a summer break normally beginning mid-June and ending mid-August. City Council workshop meetings are held the Monday preceding the second regular City Council meeting each month. [Upcoming agendas, as well as minutes and annotated agendas for past meetings](#), are available from the City Clerk for all City Council meetings.

- [City Manager Jay Boodheshwar](#)
- [City Clerk Patricia Rambosk](#)
- [City Attorney Nancy Stuparich](#)

# NAPLES COUNCIL CHAMBER



## MEETING CALENDAR

### **LOCATION**

Naples City Hall Council Chamber  
735 8th Street South  
Naples, FL 34102  
See map: [Google Maps](#)

# Office of the City Clerk

## Our TEAM



Patricia Rambosk, MMC  
CITY CLERK



Jessica Rosenberg  
DEPUTY CITY CLERK



Jessica Hernandez  
DEPUTY CITY CLERK



Carmen Hernandez  
RECORDS & FISCAL  
MANAGER



Ali Duran  
EXECUTIVE ASSISTANT



Dave Horton  
EXECUTIVE ASSISTANT



Stephanie Pierre  
ADMINISTRATIVE COORDINATOR



# CITY OF NAPLES

## CITIZEN APPOINTMENTS TO

### BOARDS/COMMITTEES/COMMISSIONS

Boards, Committees & Commissions	Members	Description Contact Liaison	Regular Meetings	Est. Meeting Time	City Residency Y/N	Financial Disclosure Y/N	Term Limit
Airport Authority ▶ <a href="#">Rules &amp; Regulations</a> ▶ <a href="#">Naples Code-Article I</a>	5-members	<b>Duties:</b> Autonomous body appointed by the City Council to oversee operation of the Naples Airport.  <b>Membership:</b> All members appointed by City Council.  Contact: <a href="#">Chris Rozansky</a>   <a href="#">Robin E. Menard</a>  <ul style="list-style-type: none"> <li>Phone: 239-643-0733</li> <li>Term length: 4 years</li> </ul>	3 <sup>rd</sup> Thursday 8:30 a.m.  <a href="#">Meeting Schedule</a>	3 hours per month	Y	N	None
Board of Directors of Carver Finance, Inc. ▶ <a href="#">By-Laws</a> ▶ <a href="#">Res 1980-3514</a>	3-members	<b>Duties:</b> Provides oversight to the George Washington Carver Apartments.  <b>Membership:</b> All members appointed by City Council.  <ul style="list-style-type: none"> <li>Contact: <a href="#">Gary Young</a></li> <li>Phone: 239-213-1815</li> <li>Term length: 3 Years</li> </ul>	Meets Annually	2 hours per year	N	N	None
Citizens' Police Review Board ▶ <a href="#">Naples Code-Div. 3</a> ▶ <a href="#">Res. 13-13340</a> ▶ <a href="#">Ord. 13-13339</a>	5-members	<b>Duties:</b> Provides impartial forum to review closed departmental investigations of complaints against police officers made by citizens.  <b>Membership:</b> All members appointed by City Council.  <ul style="list-style-type: none"> <li>Contact: <a href="#">Patricia Rambosk</a></li> <li>Phone: 239-213-1015</li> <li>Term length: 3 Years</li> </ul>	At least Annually	1 hour per year	Y	N	2
Coastal Advisory Committee (City/County) ▶ <a href="#">Sec. 2-886</a> ▶ <a href="#">Sec. 2-888</a> ▶ <a href="#">Members/Agendas and minutes</a>	3-City Residents	<b>Duties:</b> Advise and make recommendations to the BCC and TDC on beach erosion control, capital improvement programs related to coastal issues, and coastal zone management policies and procedures for beach renourishment and other activities.  <b>Membership:</b> County/9-member board with members from unincorporated area of Collier County, Marco Island, and City of Naples.  <ul style="list-style-type: none"> <li>Contact: <a href="#">Andrew Miller</a></li> <li>Phone: 239-252-2922</li> <li>Term length: 4 Years</li> </ul> <p style="color: purple;"><b>City Residents</b></p> <ol style="list-style-type: none"> <li>1. Thomas McCann</li> <li>2. Joseph Burke</li> <li>3. Ray Christman</li> </ol>	2 <sup>nd</sup> Thursday 1:00 p.m.  BCC Chamber	4 hours Per month	Y	N	None



Boards, Committees & Commissions	Members	Description Contact Liaison	Regular Meetings	Est. Meeting Time	City Residency Y/N	Financial Disclosure Y/N	Term Limit
Code Enforcement Board ▶ <a href="#">Naples Code-Div. 2</a> ▶ <a href="#">Procedure Guidelines</a>	7-members 2-alterners	<p><b>Duties:</b> Decides alleged violations of any codes and ordinances of the city for which there is no criminal penalty and may impose fines for violations and record liens for non- payment of fines.</p> <p><b>Membership:</b> All members appointed by City Council. Whenever possible, the board shall be comprised of an architect, business person, engineer, realtor, general contractor and sub-contractor.</p> <ul style="list-style-type: none"> <li>Contact: <a href="#">Vanessa Acevedo</a></li> <li>Phone: 239-213-5030</li> <li>Term length: 3 Years</li> </ul>	4 <sup>th</sup> Thursday 2:00 p.m.	2 hours per month	Y	Y	2
Community Redevelopment Agency Advisory Board ▶ <a href="#">CRA Boundaries</a> ▶ <a href="#">Naples Code-Div. 8</a> ▶ <a href="#">By-Laws</a>	7-members 1 alternate	<p><b>Duties:</b> Advises the Community Redevelopment Agency by providing public input and technical advice on land use, economic and other issues within the City's redevelopment district, and reviews certain petitions.</p> <p><b>Membership:</b> All members appointed by City Council. Whenever possible, the Board shall be comprised of business owners, property owners, or residents. A majority shall be legal residents of the City.</p> <ul style="list-style-type: none"> <li>Contact: <a href="#">Anita Jenkins</a></li> <li>Phone: 239-213-1037</li> <li>Term length: 3 Years</li> </ul>	4 <sup>th</sup> Monday 9:00 a.m.	Approx. 4 hours per month	Y	N	2
Community Services Advisory Board ▶ <a href="#">Naples Code-Div. 5</a> ▶ <a href="#">Rules of Procedure</a>	5-members 1-alternate	<p><b>Duties:</b> (1) Review and make recommendations to the city council concerning those portions of the comprehensive plan pertaining to the procurement, development and alteration of parks and recreational facilities. (2) Review and make recommendations to the city council concerning those portions of the capital improvement plan program pertaining to projects for the Parks, Recreation, and Facilities department. (3) Review and make recommendations to the city council concerning those portions of the operating budget pertaining to programs and projects for the department. (4) Such other responsibilities and duties assigned by the city council from time to time. (5) Act ex officio as the city tree board.</p> <p><b>Membership:</b> All members appointed by City</p> <ul style="list-style-type: none"> <li>Contact: <a href="#">Chad Merritt</a></li> <li>Phone: 239-213-7120</li> <li>Term length: 3 ears</li> </ul>	Monthly as called 3 <sup>rd</sup> Tuesday 2:30 p.m.	Approx. 3 hours per month	Y	N	2



Boards, Committees & Commissions	Members	Description Contact Liaison	Regular Meetings	Est. Meeting Time	City Residency Y/N	Financial Disclosure Y/N	Term Limit
<p>East Naples Bay Citizens Advisory Committee</p> <ul style="list-style-type: none"> <li>▶ <a href="#">Res. 2018-14135</a></li> <li>▶ <a href="#">Res. 2009-12481</a></li> </ul>	<p>5-members 1-alternate</p>	<p><b>Duties:</b> Responsible for making recommendations to the City Council on a variety of issues within this canal maintenance district such as maintenance dredging, canal cleanup, and maintenance of private aids to navigation.</p> <p><b>Membership:</b> Residents of the East Naples Bay Special Taxing District (Golden Shores, Oyster Bay or Royal Harbor) Members to be</p> <ul style="list-style-type: none"> <li>• Contact: <a href="#">Natalie Hardman</a></li> <li>• Phone: 239-213-1031</li> <li>• Term length: 3 Years</li> </ul>	<p>Quarterly 3rd Tuesday 9:00 a.m.</p>	<p>Approx. 1 hour per quarter</p>	<p>See Membership</p>	<p>N</p>	<p>2</p>
<p>Independent Ethics Commission</p> <ul style="list-style-type: none"> <li>▶ <a href="#">Sec. 17.1</a></li> <li>▶ <a href="#">Charter Amendment</a></li> </ul>	<p>5-members (1-City Resident)</p>	<p><b>Duties:</b> Supports the integrity of City government and its decision-making process, builds public confidence in city government, addresses unethical conduct when it occurs, trains and advises city officials and employees in ethical matters and serves as the guardian of public trust.</p> <p><b>Membership:</b> One appointed by the State Attorney for the Twentieth Judicial District; One appointed by the Public Defender for the Twentieth Judicial District; One appointed by the Collier County Sheriff; One appointed by the City of Naples representative on the Board of County Commissioners of Collier County and One appointed by the City Council.</p> <ul style="list-style-type: none"> <li>• Contact: <a href="#">Mike Murawski</a></li> <li>• Phone: 239-213-5114</li> <li>• Term length: 4 Years</li> </ul> <p><b>City Resident</b></p> <ol style="list-style-type: none"> <li>1. Jessica Douglas</li> </ol>	<p>1st Tuesday 8:30 a.m. or as called</p>	<p>Approx. 3 hours per month</p>	<p>Y</p>	<p>Y</p>	<p>2</p>

Boards, Committees & Commissions	Members	Description Contact Liaison	Regular Meetings	Est. Meeting Time	City Residency Y/N	Financial Disclosure Y/N	Term Limit
Metropolitan Planning Organization Board <b>Citizens Advisory Committee</b> (City/County) <ul style="list-style-type: none"> <li>▶ <a href="#">CAC Bylaws</a></li> <li>▶ <a href="#">Board Members</a></li> <li>▶ <a href="#">Agendas &amp; Minutes</a></li> <li>▶ <a href="#">Sec. 339.175 Florida Statutes</a></li> </ul>	2-City Residents	<p><b>Duties:</b> Assist the MPO in the formulation of goals and objectives for improving the urbanized area transportation system; conduct public information programs; provide for citizens' review and comment on preliminary findings and recommendations of ongoing transportation planning efforts; provide input on the area's transportation needs and assist in other functions as requested by MPO.</p> <p><b>Membership:</b> 13 CAC members - 9 from unincorporated Collier County, Naples, Marco Island &amp; Everglades City and 4 at-large including representatives for the disabled and minorities. Each MPO Board Member is allocated 1 CAC seat.</p> <ul style="list-style-type: none"> <li>Contact: <a href="#">Anne McLaughlin</a></li> <li>Phone: 239-252-5884</li> <li>Term length: 3 Years</li> </ul>	Last Monday 2:00 p.m.  2800 North Horseshoe Dr.  <a href="#">Meeting Schedule</a>	Approx. 2 hours per month	Y	No	None
		<p><b>City Residents</b></p> <ol style="list-style-type: none"> <li>1. Stephen Spahr</li> <li>2. Fred Sasser</li> </ol>					
Moorings Bay Citizens Advisory Committee <ul style="list-style-type: none"> <li>▶ <a href="#">Res. 2017-14069</a></li> <li>▶ <a href="#">Res. 2009-12480</a></li> </ul>	5-members	<p><b>Duties:</b> Make recommendations to the City Council on a variety of issues within this canal maintenance district such as maintenance dredging of canals and waterways, including Doctors Pass, as well as maintenance of aids to navigation.</p> <p><b>Membership:</b> Qualified electors of the City and residents within the District boundaries, or qualified electors and property owners within the District boundaries. (The Moorings, Coquina Sands or Park Shore.)</p> <ul style="list-style-type: none"> <li>Contact: <a href="#">Natalie Hardman</a></li> <li>Phone: 239-213-1031</li> <li>Term length: 3 Years</li> </ul>	Quarterly 3rd Tuesday 9:00 a.m.	Approx. 1 hour per quarter	See Membership	N	2

Boards, Committees & Commissions	Members	Description Contact Liaison	Regular Meetings	Est. Meeting Time	City Residency Y/N	Financial Disclosure Y/N	Term Limit
Pension System General, Police & Fire Boards of Trustees ▶ <a href="#">Sec. 29-211</a> ▶ <a href="#">Sec. 29-81</a> ▶ <a href="#">Sec. 29-291</a>	5- members (Fire/Police) 7 members (General)	<p><b>Duties:</b> Include administering the pension plans for employee groups including approval of retirements, plan revisions, and investment monitoring.</p> <p><b>Memberships:</b></p> <ul style="list-style-type: none"> <li><i>General:</i> 1 City Council member or resident with pension experience or expertise in finance to be appointed by Council; 1 resident with pension experience to be appointed by Council; 1 Admin. Staff, also a member of pension plan, to be appointed by City Manager; 1 Non-bargaining unit member to be appointed by City Manager; 1 Bargaining unit member to be appointed by City Manager from list of 3 submitted by president of bargaining unit; 1 retiree selected by current trustee members; &amp; 1 resident with expertise in financial markets to be selected by current trustee members.</li> <li><i>Police:</i> 2 residents appointed by Council; 2 police officers elected by members of the pension plan; 1 member chosen by the majority of previous 4 members &amp; confirmed by Council.</li> <li><i>Fire:</i> 2 residents appointed by Council; 2 firefighters elected by members of the pension plan; 1 member chosen by the majority of previous 4 members and confirmed by Council.</li> </ul> <ul style="list-style-type: none"> <li>Contact: <a href="#">Elizabeth Willis</a></li> <li>Phone: 239-213-1814</li> <li>Term of length: 2 Years Fire/Police</li> <li>Term of length: 4 Years General</li> </ul>	Quarterly both in individual and joint session	Approx. 3 hours per quarter	Y	Y	None
Planning Advisory Board ▶ <a href="#">Naples Code-Div. 7</a> ▶ <a href="#">Rules of Procedure</a>	7-members 1-alternate 1-non-voting (School Board)	<p><b>Duties:</b> Reviews a wide range of land use, planning and zoning issues and makes recommendations to the City Council.</p> <p><b>Membership:</b> All members appointed by City Council. All terms begin on May 1st.</p> <ul style="list-style-type: none"> <li>Contact: <a href="#">Erica Martin</a></li> <li>Phone: 239-213-1050</li> <li>Term length: 3 Years</li> </ul>	2 <sup>nd</sup> Wednesday 8:30 a.m. Workshops as needed	Approx. 10 hours per month	Y	Y	2

Boards, Committees & Commissions	Members	Description Contact Liaison	Regular Meetings	Est. Meeting Time	City Residency Y/N	Financial Disclosure Y/N	Term Limit
Public Art Advisory Committee ▶ <a href="#">By-laws/Res. 01-9295</a> ▶ <a href="#">Policy Statement</a> ▶ <a href="#">Naples Code-Div. 9</a>	5-members 1-alternate	<p><b>Duties:</b> Advise the city council on matters dealing with the dollar for art program as well as to develop for city council approval guidelines, policies, and procedures for the acquisition of public artwork in the city either through loan, donation, or purchase. The committee will also assist the city council by receiving public input, providing technical advice, and making recommendations for the matters within the committee's jurisdiction and duties as set forth herein.</p> <p><b>Membership:</b> All members appointed by City Council (1 rep of Naples Art Assn., 1 rep of United Arts Council, &amp; 3 regular members + 1 alternate being City residents with knowledge and appreciation of visual arts)</p> <ul style="list-style-type: none"> <li>• Contact: <a href="#">Chad Merritt</a></li> <li>• Phone: 239-213-7120</li> <li>• Term length: 4 Years</li> </ul>	4 <sup>th</sup> Tuesday 2:00 p.m.	Approx. 2 <b>hours</b> per month	Y	N	2

CRA Boundaries: "D" Downtown District [generally the area bounded by 8th Street South to Goodlette-Frank Road and 7th Avenue North to 5th Avenue South]; Community Redevelopment Area [generally the area bounded by 7th Avenue North, 6th Avenue South to the Gordon River and 3rd Street], or the 5th Avenue South Special Overlay District.

## HANDY TIPS TO KEEP YOUR MEETINGS PRODUCTIVE AND ON TRACK

You'll become very familiar with meetings as an advisory member, and you'll quickly learn to appreciate meetings which run smoothly, as opposed to those which drag on endlessly, yet accomplish little.

- Study any background materials beforehand, but don't make up your mind. Additional information may be presented at the meeting, and you'll want to keep an open mind, so you can fairly consider all the facts.
- Before the board can get down to business, it must have a quorum - a majority of members present in the room. A board majority is more than 50 percent of its members.
- The person presiding over the meeting is responsible for moving the meeting along, but members should assist with getting to the heart of an issue, so a conclusion can be reached in a reasonable amount of time.
- The board or committee may establish and publicize general guidelines governing the length of presentations and public participation.
- After the presentation and public participation, members may want to ask questions. This time should be limited to member questions only, with discussion for or against an issue held until after a motion has been presented and seconded (the motion helps focus the discussion).
- After questions are answered, a voting board member should make a motion. After the motion is seconded, the person presiding over the meeting can open the floor to board discussion, making sure each member keeps comments short and to the point.
- The Chair should try to keep members focused and moving to a conclusion. One way is to occasionally summarize what is being discussed. When the person presiding over the meeting thinks the debate has been brought to a close, he/she should "call for the question" or ask members if they are ready to vote. Other members can also call for the question.

## IF A VOTING CONFLICT EXISTS

- Before the issue is discussed, publicly explain the conflict for the record (so the information is entered in the minutes).
- Abstain from voting.
- Within 15 days of the vote, document your conflict in writing (ask the City staff member clerking your meetings for a memorandum of voting conflict). Return the completed form to this person. You cannot participate in the board's discussion of the issue ([Florida Statute 112.3143](#)).

Members should contact the City Attorney (239-213-1060) if they have a voting conflict question.



## PARLIAMENTARY PROCEDURE

Imagine a meeting where everyone talks at the same time. Not much will get done. That's why there is parliamentary procedure.

These common-sense rules allow for the orderly flow of ideas and discussion and are widely used to govern meetings. Don't worry if at first the process seems confusing. You'll learn the lingo in a short time and before you know it, the procedures will become second nature.

A key element of parliamentary procedure is the ***motion***. There are seven recognized steps in making a motion, as follows.

1. A member asks to be recognized: "Mr. or Madam Chair."
2. The Chair recognizes the member: "Ms. Smith."
3. The member states the motion: "I move the application be approved."
4. Another member (without waiting to be recognized) seconds the motion: "I second the motion."
5. The Chair states the name of the motion maker and seconder, then repeats the motion and calls for discussion: "It has been moved by Member X and seconded by Member Y that the application be approved. Is there any discussion?"
6. After discussion, the Chair puts the motion to a vote: "If there is nothing new to be added to the discussion, we are ready to vote. All those in favor of the application being approved say 'yes.' Those opposed say 'no.'" The Chair pauses for the vote.
7. The Chair counts the votes and announces the outcome: "The motion passes/fails by a five to four vote."

## THE FOLLOWING MOTIONS MUST BE SECONDED

1. "I move the report be approved with a recommendation that necessary funding be provided to implement the projects in the report." (***main motion***)
2. "I move to amend that funding be provided on projects 2-10 only." (***amendment***)
3. "I offer a substitute motion to accept the report for further study." (***substitute motion***)
4. "I move to refer the report to the finance subcommittee for an in-depth analysis of the availability of necessary monies." (***motion to refer***)
5. "I move further consideration be tabled." (***motion to table***)
6. Later in the same meeting, a member on the prevailing side of any of the foregoing motions: "I move to reconsider our previous actions regarding ...." (***motion to reconsider***)
7. At a subsequent meeting, a member on the prevailing side of motions 1-5: "I move we rescind our action of (date) regarding...." (***motion to rescind***)

## MEMBERS SHOULD

- File a financial disclosure form if applicable.
- Notify staff of any anticipated meeting absences.
- Speak openly and clearly during meetings.
- Listen and respond to members of the public who attend the meetings.
- Vote on all motions (unless you have a conflict of interest - more on that in Meeting Guidelines).
- Note a conflict of interest and follow the appropriate procedures.

City advisory boards and committees are the first step for many important issues that go before the City Council. The purpose of advisory boards is to advise the City Council; it is not to make policy. Recommendations will always be considered; but, keep in mind, they may not always be adopted by the City Council, which frequently must take other factors into consideration before making a policy decision.



## **STAFF MEMBERS**

- Create the meeting agenda.
- Supply background information on agenda items to members sufficiently in advance of meetings.
- Attend meetings in a non-voting capacity.
- Record attendance.
- Take and distribute meeting minutes.
- When requested, staff may make recommendations on agenda items.
- Inform members of City Council actions concerning routine recommendations and appeals.
- Provide technical and administrative assistance.
- Provide initial orientation and continuing education.

## **MEMBERS AND STAFF SHARE THESE RESPONSIBILITIES**

- Be on time for meetings.
- Know and practice parliamentary procedure.
- Be familiar with the issues: Review background information, the agenda and previous minutes before the meeting.
- Be courteous to each other and to members of the public.
- Be open and responsive to questions and concerns.

## ARTICLE IX. CODE OF ETHICS

### Sec. 2-971. Title, intent, policy, mission.

- (a) Title: Sections 2-971 through 2-984 shall constitute and be cited as the "City of Naples Ethics Code." This ethics code is enacted pursuant to Article VIII, Section 2(b), Florida Constitution, F.S. § 166.021, and the Naples Charter.
- (b) Intent: The purpose of the City of Naples Ethics Code ("ethics code") is to provide additional and more stringent ethics standards as authorized by F.S. § 112.326. This ethics code shall not be construed to authorize or permit any conduct or activity that is in violation of F.S. ch 112, pt. III.
- (c) Policy: This ethics code shall be deemed additional and supplemental to any and all state and federal laws governing ethical conduct of officials and employees, as well as all of the City of Naples ordinances, and applicable rules, regulations, and policies.
- (d) Mission: The mission of the ethics commission is to ensure the actual and perceived integrity of city government and its decision-making process, to build public confidence in city government, to prevent unethical conduct before it occurs, to address unethical conduct when it does occur, to train and advise city officials and employees in ethical matters, and to serve as the guardian of the public trust.

### Sec. 2-972. Definitions.

The following words, terms and phrases, when used in the City of Naples Ethics Code, sections 2-971 through 2-984, shall have the meaning ascribed to them in this section, except where the context clearly indicated a different meaning:

Advocate means a lawyer who prosecutes a case of alleged ethics violations before the ethics commission or hearing officer.

Benefit means anything of value, including but not limited to compensation, reward, or pecuniary gain that is not equally available to similarly situated members of the general public.

Business associate means any person or entity engaged in or carrying on a business enterprise with a covered person, as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.

Business entity means any corporation, partnership, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, self-employed individual, association, trust, or political action committee whether fictitiously named or not, doing business in this state.

City means the City of Naples, Florida.

Commission on ethics and government integrity or ethics commission means the commission as provided in the Naples Charter, established in subsection 17.1.

Compensation means fee, retainer, contract payment, salary, wages, reward, any other payment of money, or any other consideration of any kind, either monetary or nonmonetary. "Compensation" does not include reimbursement of actual out-of-pocket expenses.

Complainant means the person who had filed a complaint before the ethics commission under this ethics code.

Covered persons means covered persons as defined in subsection 17.3(1)(a), Naples Charter.

Executive director means the executive director of the office of ethics and government integrity as defined in subsection 17.4(2), Naples Charter.

Exemption means to be free of, or excused from, an obligation or duty required of others similarly situated.

Financial interest means direct or indirect ownership of assets or capital stock of any business entity.

Gifts means gift as defined in F.S. § 112.312(12), as may be amended from time to time.

Honorarium means honorarium as defined in F.S. § 112.3149(1)(a), as may be amended from time to time.

Indirect gift means indirect gift as defined in Rule 34-13.310(8), Florida Administrative Code, as may be amended from time to time.

Investigator means a person who investigates allegations of ethics violations for the ethics commission.

Lobbyist means lobbyist as defined in subsection 17.3(1)(b), Naples Charter.

Office of ethics and government integrity or ethics office means the office established in subsection 17.4, Naples Charter.

Person means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

Principal means the person that has employed or retained a lobbyist.

Probable cause means that the facts and circumstances would lead a reasonable person to believe that an ethics violation has occurred.

Public official means members of the city council and council-appointed aides, mayor and mayor's appointed assistants and aides, city manager, city attorney, city auditor, city treasurer-clerk, members appointed by the city council to serve on any

advisory, quasi-judicial, or any other board, commission, agency, authority or committee of the city.

Quasi-judicial means the action of a covered person or board, agency, authority, commission or city council to investigate facts, hold hearings, weigh evidence and draw conclusions from them as a basis for their official action, and to exercise discretion of a judicial nature.

Relative means an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister or domestic partner.

Respondent means the person who is the subject of a complaint and is alleged to have committed an ethics violation.

Special privilege means an economic or other benefit of any kind that inures to the person and is not equally available to similarly situated members of the general public.

Vendor means any person or entity who has a pending bid proposal, an offer or request to sell goods or services, sell or lease real or personal property, or who currently sells goods or services, or sells or leases real or personal property, to the city. For the purposes of this definition, a vendor representative includes an owner, director, or manager.

#### **Sec. 2-973. Ethics training.**

- (a) Persons required to receive training. Every covered person and lobbyist must receive training as determined by the ethics office.
- (b) Content, timing and frequency of training. Every covered person and lobbyist is responsible for maintaining a current understanding of, and complying with the relevant provisions of this ethics code and Florida Statutes. The ethics commission will establish the content, timing and frequency of ethics training for covered persons and lobbyists, all of whom will receive an initial training within a specified period of being newly elected, appointed, hired or registered. Requirements, contents and schedules for refresher training will be established. This training will be consistent with and supplement the training requirements for those covered persons subject to F.S. § 112.3142, as may be amended from time to time.
- (c) Certification. Covered persons and lobbyists shall provide documentation of satisfactory training completion. The ethics commission will

maintain a list of currently trained persons. Failure to maintain a required certification is a violation of this section.

#### **Sec. 2-974. Ethics guidance.**

The ethics commission will provide guidance through informal consultations and formal advisory opinions.

- (1) Informal consultations. Any covered person or lobbyist may request an informal consultation with the executive director regarding application of the ethics code to a particular situation. The results of a consultation are not binding and will not be routinely published but will be maintained as required by law. When the result of a consultation is published by the ethics commission, identifying information will be removed.
- (2) Formal advisory opinions. Any covered person or lobbyist may request a formal advisory opinion from the ethics commission by submitting all relevant facts and requesting an opinion regarding a matter that is subject to this ethics code. The opinion will be binding on the ethics commission and the requesting party based upon the facts submitted. The opinion may be relied upon by others until amended or revoked. When the opinion is published by the ethics commission, identifying information will be removed unless the requesting party authorizes the identifying information to be included in the published opinion.

#### **Sec. 2-975. Conflicts of interest.**

- (a) Misuse of office. No covered person will use or attempt to use his or her official position or any city property which may be within his or her trust, or perform or fail to perform his or her official duties, or attempt to influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special privilege, benefit, or exemption for himself or herself or any other person.
- (b) Disclosure of confidential information. No current or former covered person will disclose or use information that was not available to members of the general public and that was gained by reason of such covered person's official position in a manner which he or she knows or should know with the exercise of reasonable care will result in a special privilege, benefit or exemption for himself or herself or for any other person.
- (c) Honest services. No covered person will solicit or accept any benefit to the covered person or his or her relatives or business associates, and no lobbyist or other person will offer or promise any benefit to the covered person or his or her

relatives or business associates, based upon any understanding that the vote, official action, or judgment of the covered person would be influenced thereby.

(d) Prohibited representations and appearances.

- (1) Except for the proper discharge of his or her official duties, a covered person may not represent any other person or entity against the city or an independent agency to which board members are appointed by the city.
- (2) Except for the proper discharge of his or her official duties, a covered person may not appear before any city department, agency, authority, board or commission, except on behalf of the city or on behalf of himself, herself, his or her relatives.
- (3) The provisions of this subsection apply to department, agency, authority, board, or commission members only for representations or appearances before that covered person's own department, agency, authority, board or commission and to departments, agencies, boards or commissions over which that covered person's department, agency, authority, board, or commission has jurisdiction.
- (4) Applications for exemptions to this subsection may be submitted to the ethics commission for consideration at a public meeting.

(e) Prohibited employment.

- (1) No covered person will solicit, have or hold any employment or contractual relationship with any individual or business entity which is doing business with, or routinely seeks zoning, permitting, or inspection approval from the department, agency, board or commission of the city with which he or she is affiliated. Excluded from this provision are those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the city, and third parties engaged in providing contract services either to or for the City of Naples.
- (2) No covered person will solicit, have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and in performance of their public duties or that would impede the full and faithful discharge of his or her public duties. Excluded from this provision are third parties engaged in providing

contract services either to or for the City of Naples.

- (3) Applications for an opinion regarding subsections (e)(1) and (2) may be submitted to the ethics commission for consideration at a public meeting. This application may include a waiver request.

(f) Post-employment restrictions.

- (1) No elected officer or city managerial employee shall personally represent, for compensation, another person, group, or business entity before the governmental body for a period of two years following vacation of office, resignation of employment, or termination of employment, as applicable, except for the purposes of collective bargaining.
- (2) An elected officer or city managerial employee is prohibited from engaging in or having an employment or contractual relationship with any person or business entity, or their representative, if such elected officer or city managerial employee, within two years immediately preceding the vacancy from elected office or termination/resignation from employment, personally or substantially participated in a recommendation or decision relating to any contracting or zoning approvals sought or received by any such person or business entity. Such prohibition on an employment or contractual relationship shall be for a period of two years after the vacancy from elected office or termination/resignation from employment, as applicable, of such elected officer or city managerial employee.
- (3) By majority vote of city council, the post-employment restrictions may be waived. Request for waiver must be made by the specific city managerial employee involved, appear on an advertised regular agenda of city council, and be approved by majority vote of council.

(g) Anti-nepotism. A covered person may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the city over which the covered person exercises jurisdiction or control any individual who is a relative of the covered person.

- (1) Approval of budgets shall not constitute "jurisdiction or control" for the purposes of this provision.
- (2) For appointment to advisory boards, this

provision applies only to such boards with land-planning or zoning responsibilities.

- (3) This provision shall not apply to Persons serving in a volunteer capacity who provide emergency medical, firefighting, educational, or police services. Volunteers may receive, without losing volunteer status, reimbursements for the costs of any training relating to the provision of volunteer emergency medical, firefighting, educational, or police services and payment for any incidental expenses relating to those services that they provide.
- (h) Bids and contracts.
  - (1) Required contract language. Except as otherwise prohibited by law, all contracts with persons or business entities providing construction or professional services to the city shall contain one or more contractual provisions, unless specifically waived by the city council, which:
    - a. Provide assurances to the city that the contracting person or entity will not employ or offer to employ any elected officer or city managerial employee who in any way deals with, coordinates on, or assists with the construction or professional services provided, for a period of two years after termination of all provisions of the construction or professional services contract;
    - b. Provide restrictions on the ability of the person or business entity contracting with the city to also provide services for compensation to another party other than the city on the same subject matter, same project, or scope of services without city council approval; and
    - c. Provide covenants that the contracting person or other entity will not disclose or use information not available to members of the general public and gained by reason of such person or business entity's contractual relationship with the city for the special gain or benefit of the contracting person or entity, or for the special gain or benefit of any other person or business entity, except as specifically contemplated or authorized by the contract.
  - (2) Damage provision. In addition to the penalty provided for in section 1-15, a contract with a person or business entity providing construction or professional

services to the city shall, except as otherwise prohibited by law or specifically waived by the city council, contain a damages provision which shall require a payment of damages for violation of subsection (a)(1) of this section in an amount equal to any and all compensation which is received by the former elected officer or city managerial employee from the contracting person or entity, or an amount equal to the former employee's last two years of gross compensation from the city, whichever is greater.

- (i) Financial interests and investments. No covered person will have a material investment in any enterprise, either himself, herself, or through a relative, which will create a conflict or appearance of conflict between his or her private interests and the public interest. No covered person will participate in any official action directly or indirectly affecting a business entity in which he or she or any relative has a financial interest. No covered person will acquire a financial interest in a project, business entity or property at a time when he or she believes or has reason to believe that the said financial interest will be materially affected by his or her official actions or by official actions by the city agency of which he or she is an official, officer, employee or contract staff.
- (j) Voting conflicts. No covered person will vote in an official capacity upon any measure which would inure to such covered person's or relative's or business associate's benefit or loss of benefit.
  - (1) Such covered person will, upon discovery of such conflict, publicly state to the assembly the nature of his or her interest in the matter from which the covered person is abstaining from voting. The covered person will be required to abstain during discussion of the matter and to abstain from voting.
  - (2) Within five days after the abstention occurs, such covered person will disclose the nature of the covered person's interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who will incorporate the memorandum in the minutes.
  - (3) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the covered person will make the disclosure orally at the next meeting after it

becomes known that a conflict exists. The covered person will file a written memorandum disclosing the nature of the conflict within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting, which will be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum will become a public record upon filing, will immediately be provided to the other members of the department, agency, authority, board or commission; and will be read publicly at the next meeting held subsequent to the filing of this written memorandum.

- (4) No covered person will absent himself or herself from a meeting or portion of a meeting for the purpose of avoiding disclosure of a conflict or to avoid voting on a measure where there is no conflict, appearance of a possible conflict, or basis for recusal.

#### **Sec. 2-976. Gifts, honoraria, solicitations and loans.**

- (a) Prohibited receipt of gifts:
  - (1) Covered persons will not solicit or accept, directly or indirectly, any compensation from anyone who the covered person knows or reasonably should know:
    - a. Has, or is seeking to obtain, contractual or other financial relationships with the city department, agency, authority, board or commission with which the covered person is affiliated or oversees;
    - b. Conducts or represents a person or entity that conducts operations or activities that are regulated by the city department, agency, authority, board or commission with which the covered person is affiliated;
    - c. Is seeking zoning, permitting, or inspection approval from the city department, agency, authority, board or commission with which the covered person is affiliated; or
    - d. Has interests that may be substantially affected by the performance or nonperformance of duties of the covered person.
  - (2) No person will promise or offer a gift to a covered person which would cause a violation of this subsection.
  - (3) Provision of any of the benefits prohibited utilizing a third party to avoid the

restrictions of this subsection is a violation of this section.

- (4) This section does not prohibit a covered person from accepting a gift of nominal value; or accepting food or beverage on the same basis as offered to all attendees at a professional, business, civic or panel function which the covered person is attending in an official capacity, or if without cost to attendees up to an estimated value of \$100.00.
- (b) Honoraria and related expenses: No covered person may:
  - (1) Accept an honorarium, fee or prohibited gift from a lobbyist or principal or vendor for a written article, address, oral presentation, lecture, panel discussion, or other presentation.
  - (2) Request or receive any reimbursement of related travel expenses in an amount that is inconsistent with prevailing city reimbursement policies, if any.
- (c) Solicitations: A covered person will not solicit a gift to or from another covered person. This subsection does not prohibit:
  - (1) A gift of nominal value made on a special occasion such as marriage, birth of a child, illness, or retirement.
  - (2) Fundraising for someone undergoing significant hardship such as major illness, bereavement, loss of housing, or other major disruption, with the approval of the recipient's supervisor.
  - (3) Participation in fundraising activities for charitable purposes or governed by the Florida Election Code as defined in F.S. § 97.011.
- (d) Loans: No covered person will directly or indirectly lend or borrow more than \$250.00, to or from another covered person in the first covered person's department, agency, authority, board or commission. This subsection is not applicable to lending between relatives.

#### **Sec. 2-977. Disclosures.**

- (a) Ex parte communications:
  - (1) The purpose of this subsection is to entitle covered persons and citizens to all of the benefits available pursuant to the authority of F.S. § 286.0115. This subsection applies only to quasi-judicial matters and specifically does not apply to legislative matters.
  - (2) An ex parte disclosure shall be sufficient to remove the presumption of prejudice from the ex parte communication, which at a

minimum includes:

- a. The identity of the person, group, or entity with whom the communication took place;
  - b. A summary of the subject of the communication, in sufficient detail to allow persons who have opinions contrary to those expressed in the ex parte communication a reasonable opportunity to refute or respond to the communication, which detail may be established in whole or part by the inclusion of any written or electronic form of the communication;
  - c. That the disclosure be made prior to or at the quasi-judicial hearing; and
  - d. That the disclosure becomes a part of the records of the quasi-judicial hearing.
- (3) Compliance with an ordinance or a procedure of the city governing ex parte disclosure, which ordinance or procedure is otherwise consistent with this subsection, shall constitute compliance with this section.
- (b) Voting conflicts: Required disclosure of a conflict of interest resulting in a voting abstention by any covered person will be submitted to the executive director.
  - (c) Financial disclosures: A copy of any required financial disclosure of a covered person will be submitted to the executive director.
  - (d) Honest applications: A person seeking to become an official, employee or appointee of the city, or seeking to enter into a contract to provide goods or services to the city, will not make any statement that is knowingly false, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the city. Material misrepresentations under this subsection, whenever confirmed, may result in disqualification for the position or contractual relation sought; or if already elected, appointed or hired, may result in removal from the position or voiding of the contract.
  - (e) Disclosures of property and business ownerships: Applications and petitions for permitting for land use or for uses or activities requiring city approval shall include a complete list of property owners and business owners that will

utilize the property. If the property owner or business owner is an entity other than an individual, the application or petition shall contain a disclosure of all individuals who have a material interest in the entity. Inaccurate disclosure or non-disclosure are subject to the penalties set out in this ethics code.

#### **Sec. 2-978. Whistleblower procedures.**

- (a) Purpose: Consistent with the State of Florida's Whistleblower's Act, F.S. § 112.3187 et seq., as may be amended from time to time ("Whistleblower Act") it is the intent of the city to prevent departments, agencies, boards, commissions or independent contractors from taking retaliatory action against a person who properly reports violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public's health, safety, or welfare. It is further the intent of the city to prevent departments, agencies, boards, commissions or independent contractors from taking retaliatory action against any person who properly discloses to an appropriate official alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of a department, agency, authority, board, commission, public officer, or employee.
- (b) Appropriate local official: Pursuant to this section, the commission on ethics and governmental integrity shall be deemed an "appropriate local official" for whistleblower information disclosure purposes as defined in F.S. § 112.3187(6) for any city employee or other person seeking the protections afforded by F.S. § 112.3187 who has otherwise complied with all the requirements of this statute.
- (c) Procedures: The ethics commission shall establish policies and procedures to implement the Whistleblower Act.

#### **Sec. 2-979. Lobbying.**

- (a) Intent and purpose: The operation of open and responsible government requires that the fullest opportunity must be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on the actions and decisions of the city. In order to preserve and maintain the integrity of this process and to better inform citizens of the efforts to influence city governance, it is necessary to require the public disclosure of the identity, expenditures, and activities of

lobbyists.

- (b) Registration, reporting and regulation: The ethics commission shall establish policies and procedures governing lobbyist registration, reporting and regulation.
- (c) Registration fees: [Reserved.]
- (d) Expenditure disclosure: The ethics commission shall establish policies and procedures governing the disclosure of lobbying expenditures.
- (e) Contingency fees: No lobbyist may, in whole or in part, pay, give, or receive, or agree to pay, give, or receive, a contingency fee related to lobbying activities covered by this article.
- (f) Excluded persons:
  - (1) None of the provisions of this section apply to persons, including fact or expert witnesses, representing an employer, principal or client during a publicly noticed quasi-judicial hearing or comprehensive plan hearing provided they identify the employer, principal or client at the hearing.
  - (2) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.
  - (3) Any person who only appears for the purpose of self-representation without compensation or reimbursement, whether direct or indirect to express support of or opposition to any item, shall not be required to register as a lobbyist.
  - (4) None of the provisions of this section apply to unpaid officers and directors of associations created pursuant to F.S. chs. 718, 719 or 720, or to voluntary community associations serving similar purposes.
- (g) Penalties: Corrective actions and penalties for confirmed violations of the lobbying provisions of this ethics code may include one or more of the following:
  - (1) A letter of advice;
  - (2) A letter of reprimand;
  - (3) A requirement for training in state and local ethics;
  - (4) Fines for a first offense of not more than \$250.00 per incident, to be

deposited in the city's general fund;

- (5) Fines for subsequent offenses of not more than \$1,000.00 per incident, to be deposited in the city's general fund;
- (6) For more than one offense in a 12-month period, prohibition of lobbying for up to 12 months; or
- (7) For repeated offenses, a suspension of the principal or lobbyist from doing business with the city for up to 12 months.

### **Sec. 2-980. Complaints, investigations and hearings.**

- (a) Complaints: The specifications for ethics commission procedures for complaint handling shall include:
  - (1) The right of any person to file a complaint with the ethics commission.
  - (2) To be acted on by the ethics commission, a complaint must:
    - a. Be in a format prescribed by the ethics commission,
    - b. Specifically allege one or more violations of the Naples or State of Florida ethics codes within the ethics commission's jurisdiction,
    - c. Include any referenced supporting documentation in possession of the complainant,
    - d. Be based substantially upon the personal knowledge of the complainant, and
    - e. Be signed, dated and affirmed to by the complainant.
  - (3) The executive director, or if so directed the ethics commission's legal counsel, will determine the legal sufficiency of all complaints.
    - a. A complaint is legally sufficient if a complaint meets the requirements of this section.
    - b. If the complaint does not meet the requirements of this section, the executive director will notify the complainant specifying the reason(s) why the complaint was not deemed legally sufficient.
    - c. Legal sufficiency will be determined within 30 days of the receipt of a complaint by the ethics commission, unless an extension of time is granted for good cause by the ethics commission.
    - d. Upon determination that the complaint is legally sufficient, the executive director will promptly notify the complainant and respondent in writing of the complaint and that the complaint has been determined to be legally sufficient.
- (4) The ethics commission may promulgate further



rules and procedures consistent with this article and Florida Statutes regarding the process for handling complaints.

- (b) Specifications for ethics commission procedures for investigations: A preliminary investigation of a legally sufficient complaint shall be performed to determine whether there is probable cause that a violation has occurred.
  - (1) If the ethics commission determines that there is no probable cause that a violation has occurred, the ethics commission will dismiss the complaint and issue a report to the complainant and the respondent with its findings.
  - (2) If the ethics commission determines that there is probable cause that a violation has occurred, the ethics commission will promptly notify the complainant and the respondent of the finding.
  - (3) If probable cause is found, but the ethics commission finds that the alleged violation was both minor and unintentional, then the ethics commission may close the complaint by providing the respondent with a letter of advice and issuing a public report summarizing the facts of the violation, the ethics commission's findings and a copy of the letter of advice.
  - (4) The ethics commission may utilize the authorities granted in section 17.1(6) of the Naples Charter in any investigation and may seek enforcement in a court of competent jurisdiction.
  - (5) The ethics commission may promulgate further rules and procedures consistent with this article and Florida Statutes regarding its investigations.
- (c) Specifications for ethics commission procedure for hearings: The ethics commission shall establish rules and procedures for public hearings of alleged ethics violations consistent with requirements for quasi-judicial hearings.
- (d) Cooperation and non-interference: No person will interfere, obstruct or

attempt to interfere or obstruct without valid legal basis any investigation or hearing conducted by the ethics commission.

- (1) Covered persons and lobbyists shall cooperate with the ethics commission in the exercise of the ethics commission's responsibilities and none shall refuse to answer questions or produce records related to his or her official duties during an ethics commission investigation or hearing.
- (2) Any violation of this subsection shall be a violation of this ethics code.
- (e) Exemptions from public record: Complaints, records relating to complaints or to any preliminary investigation held by the ethics commission or its agents including records of related proceedings of the ethics commission, and any discussion of or action on referrals to other authorities, are confidential and exempt from disclosure under F.S. § 119.07(1) and § 24(a), Art. I of the state Constitution. The exemptions in this subsection apply until:
  - (1) The complaint is dismissed as legally insufficient;
  - (2) The alleged violator requests in writing that such records and proceedings be made public;
  - (3) The ethics commission determines that it will not investigate the referral; or
  - (4) The ethics commission determines that probable cause exists to believe that a violation has occurred.
- (f) Frivolous complaints: If the ethics commission determines a complainant filed a complaint that was known to be, or should have been known to be, frivolous at the time of filing, the ethics commission may order the complainant to pay reasonable expenses, including attorney's fees and costs, incurred by the ethics commission and the respondent. However, expenses may only be ordered by the ethics commission to be paid at a hearing:
  - (i) to determine whether the complaint was frivolous; and
  - (ii) if determined to be frivolous upon a second hearing to determine the amount of reasonable expenses. Upon the finding of a second frivolous complaint, the ethics commission may refuse to accept further complaints from the complainant for up to three years.
- (g) Matters subject to other jurisdictions: If a matter based upon substantially the same set of facts is the subject, or likely to become the subject, of another proceeding or an ongoing

investigation in a different jurisdiction, including, but not limited to, personnel action, law enforcement investigation, Florida State Ethics Commission or judicial proceedings, then the ethics commission may stay its proceedings until the other proceeding or investigation has been completed. The outcomes in the other proceeding or from the other investigation may be considered, but do not bind the ethics commission's proceedings under this article. At any time, the ethics commission may refer matters before it to other authorities and then stay its proceedings.

**Sec. 2-981. Penalties and remedies.**

- (a) A willful and corrupt violation of this ethics code subjects the violator to the criminal penalties set out in the ordinances of the city. Additionally, any covered person who willfully and corruptly violates this ethics code shall be guilty of malfeasance in office or position and the ethics commission may recommend removal of such person from office or position.
- (b) In addition to any other penalty, violation of this ethics code with the knowledge, express or implied, of the person contracting with, making a sale to or purchase from the city, may render the contract, sale or purchase voidable by the city council.
- (c) A finding of a violation of this ethics code by the ethics commission may include one or more of the following actions or penalties:
  - (1) A letter of advice;
  - (2) A letter of reprimand;
  - (3) A requirement for training in state and local ethics;
  - (4) Referral to an appropriate agency, including but not limited to law enforcement;

- (5) A fine of up to \$500.00 per violation, to be deposited in the city's general fund;
- (6) For an employee, referral to the city manager for appropriate discipline as determined by the city manager;
- (7) For any member of city council, the city manager, the city clerk, the city attorney, the city physician or any appointed member of a department, board, agency, authority or commission covered by the ethics code, referral to city council;
- (8) When the ethics commission determines that the person or entity has received a pecuniary benefit as a result of a violation of the ethics code, referral to city council for consideration of restitution of the amount of the pecuniary benefit, to be deposited in the city's general fund.

**Sec. 2-982. Severability.**

The provisions of this ethics code are severable and if any of its provisions shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

**Sec. 2-983. Article supplemental to state law; conflicts with state law.**

This ethics code is a supplement and addition to the requirements of F.S. ch. 112, part III (F.S. § 112.311 et seq.), entitled "Code of Ethics for Public Officers and Employees." This ethics code shall not be construed to authorize or permit any conduct or activity which is in violation of F.S. ch. 112, part III. In the event of a conflict between the provisions of this ethics code and F.S. ch. 112, part III, the more restrictive provisions shall apply.

**Sec. 2-984. Liberal construction.**

It is intended that the provisions of this ethics code be liberally construed to accomplish the purpose and intent of this ethics code, except where such liberal construction is specifically prohibited by law.

**Secs. 2-985—2-1000. Reserved.**

## ARTICLE V. BOARDS, COMMISSIONS AND COMMITTEES

### DIVISION 1. GENERALLY

#### **Sec. 2-401. Qualifications of members.**

Except as may be otherwise provided in the legislation creating a board, commission, or committee, every person appointed to a board, commission or committee of the city must be domiciled within the corporate limits. Every person appointed to the city airport authority must be a resident of the city and domiciled within the city, and must meet all other requirements of this division which are not inconsistent with Laws of Fla. ch. 69-1326, as amended, known as the City of Naples Airport Authority Act.

#### **Sec. 2-402. Appointments and reappointments.**

The council shall by majority vote make all appointments and reappointments to the boards, commissions and committees of the city. The council shall take applications even if the present members are requesting reappointment. All persons requesting appointment or reappointment shall be interviewed, provided those persons meet the qualifications as established by this policy, unless determined by resolution of the city council to be in the best interest of the city to forego such procedure. Interviews shall take place in a council workshop after due public notice. Appointments shall take place as part of official council agenda items.

#### **Sec. 2-403. Length of term.**

All appointments to city boards, commissions and committees shall be made for the full term set forth in the section applicable to a particular board, commission or committee, unless the appointment is to fill an unexpired term. Members shall be limited to 2 consecutive, full terms. Partial terms shall not be considered in this computation. Members and alternate members may reapply for appointment 1 year after the expiration of the member's last term. However, if it is determined to be in the best interest of the city to retain a member or alternate beyond the term limit set forth herein, the city council, by 5/7 vote, may waive said term limit. This waiver shall apply to 1 additional term only per member or alternate.

#### **Sec. 2-404. Attendance at meetings.**

All board, commission and committee members and alternates shall be required to attend the meetings of the board, commission or committee to which they have been appointed. When unable to do so, each member shall so notify the staff liaison to the board, commission or committee or designee at least three days prior to the meeting. Except as may be

provided by controlling state law for the code enforcement board and the Naples Airport Authority, failure to attend three regularly scheduled meetings in any calendar year will result in the automatic removal of the member from the board, commission or committee. A member who has been automatically removed from the board, commission or committee due to absence may re-apply for appointment to the same or other board, commission or committee.

#### **Sec. 2-405. Removal.**

Except as may be provided by controlling state, federal, or other local law or ordinance provision, including section 2-404 above, any member of a board, commission or committee established by the Charter, Code of Ordinances or resolution of the council shall continue in office until the end of the member's term or until the member is removed by a majority vote of the city council. Removal may be with or without cause.

#### **Sec. 2-406. Role; job description.**

The city council shall establish the role and job description of each board, commission or committee and the members of each board, commission or committee. This shall be done at the time of creation of each board, commission or committee and shall be formally adopted by the city council.

#### **Sec. 2-407. Staff assignments**

The city manager shall make appropriate staff assignments to give support to the various boards, committees or commissions. Board, commission and committee members shall work in concert with the city manager and may counsel with the city manager regarding the staff assistance needed. Final ruling on staff assignments and personnel assigned to support the board, commission or committee shall rest with the city manager.

#### **Sec. 2-408. Oversight by city council.**

The city council is responsible for oversight of all boards, commissions and committees. To that end, minutes of the boards, commissions and committees will be provided to the city council. Citizens have the right to file grievances to the city council. Substantive issues may not be appealed to the city council, except where those issues would normally come to the city council for final determination.

#### **Sec. 2-409. Conflicting provisions.**

All of the provisions of this division shall apply to all appointed boards, commissions and committees of the city, except for any conflicting provisions in the legislation creating the board, commission or committee.

#### **Secs. 2-410—2-430. Reserved.**

## **DIVISION 2. CODE ENFORCEMENT BOARD**

### **Sec. 2-431. Created, composition.**

There is hereby created a code enforcement board of the city, which shall consist of 7 members to be appointed by the city council, to serve in accordance with F.S. ch. 162, part I (F.S. § 162.01 et seq.).

### **Sec. 2-432. Special magistrate.**

- (a) As provided in F.S. § 162.03(2), the city council hereby approves engagement of one or more special magistrates and designates same to hold hearings and assess fines against violators of the municipal codes and ordinances. The special magistrate shall have the same status and powers as an enforcement board under F.S. ch. 162. This provision does not repeal or eliminate the continued designation of the code enforcement board for the same purposes.
- (b) In addition to the designation and duties described in subsection (a) above, a special magistrate may be designated and assigned to hold hearings and take such action as may be authorized by ordinance or code provisions that are not in conflict with general law. This includes, without limitation, enforcement of non-criminal penalties set out in the city ordinances and codes and includes administrative parking violations and administrative trespass enforcement.
- (c) Each special magistrate must be approved by city council. A special magistrate must be a resident of the state and possess experience and expertise in at least one of the following disciplines and a working familiarity with the others: local code enforcement; land use and environmental permitting; land planning; land economics; local and state government organization and powers; and the law governing same. For assignments outside of these areas, a special magistrate must also possess experience and expertise in the discipline for which the designation is made.
- (d) A special magistrate is subject to the public records laws and state and local ethics ordinances.
- (e) Designation of a special magistrate shall be for the duration of the assignment set out in an agreement, but each term is for no more than three years.
- (f) A special magistrate must avoid one-sided (ex parte) communications with anybody concerning the merits of a pending case or action.

### **Secs. 2-433—2-450. Reserved.**

## **DIVISION 3. CITIZENS' POLICE REVIEW BOARD**

### **Sec. 2-451. Created; composition.**

- (a) There is hereby created a citizens' police review board of the city, which shall consist of five members, serving without pay, appointed by the council. The mission of this board is to provide an impartial forum to review the closed departmental investigations of citizen complaints filed against police officers.
- (b) Each member must be domiciled within the city.
- (c) The length of term shall be three years. Terms of existing members will continue to the end of the current terms.
- (d) The board shall meet at least annually, and shall meet at other times upon call by the chair, the city manager, the chief of police, by any two board members, or by the council.
- (e) The board shall elect its chair and vice-chair from among its members.
- (f) Upon appointment to the board, a member will receive an orientation provided by the police department and may participate in a ride-along with a police officer.

### **Sec. 2-452. Jurisdiction, powers and duties.**

The citizens' police review board shall be advisory to the chief of police. The chief shall at all times be and remain in command of the police department pursuant to the applicable codes.

- (1) The board shall review the closed departmental investigations of citizen complaints filed against police officers, or those issues which the chief of police chooses to bring before the board, in the following instances:
  - a. Alleged use of deadly force.
  - b. Alleged use of improper force.
  - c. Any instance wherein police action results in death or bodily injury.
  - d. Any vehicle pursuit resulting in a traffic crash with death or bodily injury.
  - e. Any alleged violation of police department policies and procedures.
- (2) Complaints will not be heard if filed more than 120 days after an incident occurred. This time limitation shall not include the period that the complaint is being investigated by the police department, or the waiting period imposed by the police department for disposition of the criminal charges, provided the initial citizen's complaint was filed within 120 days of the incident. The 120-day period of limitations

may be waived by the affirmative vote of the majority of board members.

- (3) Once the board hears a complainant's inquiry and the board reaches a final decision, the matter shall be considered closed.
- (4) The board shall review the policies, procedures, rules, regulations, general or special orders pertaining to the use of force, and police conduct toward the citizen.
- (5) Following the review process as set forth in subsections (1) or (4) above, the board shall make a recommendation to the city manager and chief of police of any or all of the following:
  - a. A recommendation for approval.
  - b. A recommendation for disapproval.
  - c. A recommendation for modification or amendment.
  - d. A recommendation for additional information, additional investigation, or reinvestigation.
- (6) A report shall be submitted to the city manager and chief of police following conclusion of the review process. The report shall state with specificity the grounds for such recommendation. The report shall be signed by the chair and be reflective of the majority of the board; written dissenting reports or recommendations may be submitted by any member or members, and shall be signed and forwarded with the majority report.
- (7) All actions shall be in accordance with applicable law to include, but not limited to, the Florida Public Records Law (F.S. ch. 119), the Florida Government-in-the-Sunshine Law (F.S. ch. 286) and the Law Enforcement Officers Bill of Rights (F.S. § 112.532).
- (8) The city manager, city attorney and city clerk will provide such staff support as is necessary for board functioning.
- (9) All complaints, whether written or verbal, received by individual board members will be referred to the chief of police. If the complaint is against the chief of police, such complaint will be referred to the city manager.
- (10) Board policies and procedures shall be adopted by resolution of the city council.

**Secs. 2-453—2-470. Reserved.**

#### **DIVISION 4. DESIGN REVIEW BOARD**

**Sec. 2-471. Created; composition; terms; removal of members.**

- (a) Created. There is hereby created a city design review board (in this division, the "board").
- (b) Composition. The board shall be composed of five members and one

alternate who shall serve without compensation. Notwithstanding section 2-401, to the extent that qualified volunteers are available:

- (1) At least two of the members shall be architects, licensed or registered to practice in the State of Florida, and at least one member shall be a landscape architect, licensed or registered to practice landscape architecture in the State of Florida. The other two members and the alternate shall be persons who, as a result of training, experience, attainments or interest, are qualified to analyze and interpret design, landscaping, lighting, signage or environmental information; to appraise resource uses in light of the policies set forth in this division; and to be responsive to the social, aesthetic, recreational and cultural needs of the community. Persons having expertise or interest in related matters, such as conservation, recreation, design, urban planning, cultural-historical preservation and ecological and environmental sciences, shall, insofar as practicable, be considered for appointment to the board.
- (2) Members who are architects or landscape architects shall be legal residents of the city or of Collier County. Other board members shall reside in the city. However, at all times, a majority of the members shall be legal residents of the city.
  - (c) Terms.
    - (1) The term of office for each member shall commence upon the effective date of appointment and shall expire on the May 31 closest to three years from commencement of the term. Members shall be limited to two consecutive three-year terms. After serving two consecutive terms, a member may reapply for appointment to the board after one year following expiration of the member's last term. The terms of office shall be staggered.
  - (d) Removal of members. Any member may be removed by the city council for failure to maintain the qualifications set forth in subsection (b) of this section, or for any of the reasons set forth in sections 2-404 or 2-405 of this Code, or article II, section 5(a) of the state Constitution (dual office holding). A member who is removed shall not be reappointed to membership on the

board for at least one year from the date of removal.

**Sec. 2-472. Purpose.**

The purpose of the board is to promote the public health, safety and general welfare by reviewing proposed petitions and recommending regulations necessary to:

- (1) Preserve existing areas of natural beauty and cultural importance;
- (2) Assure that buildings and structures, along with associated signage, landscaping, lighting or other development, contribute in a positive way to the public environment of the city;
- (3) Prevent the development of structures or uses which are not of acceptable exterior design or appearance or are of inferior quality or likely to have a depreciating effect on the public environment, or surrounding area, by reason of appearance or value;
- (4) Consistent with other provisions of this Code, eliminate conditions, structures, along with associated design, landscaping, lighting, and signage, which by reason of their effect tend to degrade the appearance, health, safety or general welfare of the community; and
- (5) Provide a continuing source of programs and means of improving the city's public environment.

**Sec. 2-473. Jurisdiction; powers and duties.**

The board shall have the powers and duties set forth in this division and any other duties assigned to it by the city council by ordinance or resolution. Specifically, the board shall have the following powers and duties:

- (1) To review all petitions and associated architectural and landscape architectural plans that require design review under the standards established in this Code and to make recommendations to the city council or the planning advisory board, or both, as otherwise required in this Code;
- (2) To review current city regulations and provide advice and recommendations to the city council for improved regulations that will promote excellence in design of buildings, structures, landscaping, lighting and signage;
- (3) To prepare, recommend adoption of, and keep up to date, a design review handbook that will provide guidelines for the design aspects of development; and

**Sec. 2-474. Organization; quorum; rules of procedure.**

- (a) The board shall meet as needed. The chair may call special meetings and may cancel or

continue meetings as may be necessary.

- (b) A majority of the membership of the board shall constitute a quorum for the transaction of business. The alternate member may attend meetings and take part in discussion on items before the board but shall make or second motions and vote on business items only if one or more members of the board are absent.
- (c) The board shall elect a chair and a vice-chair from among its members. Terms of the chair and vice-chair shall be for one year, commencing in the first regular meeting after May 31 of each year. The chair and vice-chair are eligible for reelection. The vice-chair shall have the same powers of the chair, in the absence of the chair. The city will provide for a recording secretary through the city clerk or city manager.
- (d) Subject to the city council's approval by resolution, the board shall adopt rules and regulations as may be deemed necessary for the proper function of the board in regard to:
  - (1) Meeting dates, time, and location;
  - (2) Publication of agendas of board meetings; and
  - (3) Procedures for filing, advertising and notification, circulation of petitions to its members, and review of petitions.
- (e) The board shall develop and periodically update a design review handbook, which sets forth graphics and guidelines defining and supporting the procedures and criteria for project submission and review. The handbook shall be presented to the city council for approval by resolution.
- (f) The city council may, at its discretion, appropriate funds to the board for expenses necessary in the conduct of its work.

**Sec. 2-475. Applicability of design review; prohibitions.**

- (a) The board shall review all petitions for design review, prior to, and as a prerequisite for, the issuance of a building permit for any of the following located in a commercial, industrial, planned development, or multifamily zoning district or PS, public service district:
  - (1) A new principal building or structure;
  - (2) An addition to an existing structure that is greater than 1,000 square feet; or
  - (3) A substantial change to the facade of any building or structure, and landscaping, lighting and signage associated with the foregoing buildings, structures or facades.
- (b) Buildings and structures located in single-

family residential districts are excluded from this division.

- (c) The board may authorize approval of petitions for building permits for minor or insignificant development of property, which would not defeat the purposes and objectives of this section.
- (d) No building permit shall be issued for any building, structure or other development of property, or appurtenances, on any property described in this division, until plans and elevations for buildings, structures, or alterations to them, and associated landscaping, lighting and signage, have been approved by the board.
- (e) No certificate of occupancy, or final building inspection approval, for any property described in this division shall be issued until the designated official has certified that such construction has been found to be in compliance with the conditions and restrictions, if any, imposed by the board, and that the final construction is in conformity with the plans approved by the board.

**Sec. 2-476. Procedure for review; criteria.**

- (a) Preapplication meeting. A preapplication meeting with the city manager or designee is required for each petition to the design review board. Certain submittal requirements may be waived for additions and new buildings less than 1,500 square feet where determined not to be necessary.
- (b) Preliminary review.
  - (1) Mandatory preliminary review. Preliminary review and approval by the board is required prior to final consideration and approval of projects that otherwise require review and approval by the planning advisory board, the city council, or both. In such cases, the board determination and comments shall be considered as part of the planning advisory board and city council review.
  - (2) Nonmandatory preliminary review. In cases where preliminary review is not required, a petitioner may nevertheless request a preliminary review by the board.
  - (3) Submittal requirements. For preliminary review, the applicant shall submit, at a minimum, a generalized site plan, scaled mass model or three-dimensional digital mass model schematic of the project with structures on adjoining parcels identified, and a colored elevation of the principal street facade.

- (4) Combined preliminary and final review. A petitioner may submit a project for a combined preliminary and final review by following the provisions set out in subsection (c).
- (c) Final review.
  - (1) Procedure. Projects that do not require city council or planning advisory board review and approval may proceed directly to final board review. Projects that otherwise require review and approval by the planning advisory board, city council or both shall obtain final review from the board after review and approval of other aspects of the project by the planning advisory board or the city council. If the petitioner elects to submit the project for combined preliminary and final review under subsection (b)(4), the petitioner shall obtain final review and approval from the board prior to review and approval by the planning advisory board or the city council.
  - (2) Submittals. All presentation materials shall include a graphic scale and may include scale figures of pedestrians, vehicles, and other common elements found in the public environment. In addition, the following shall be provided with the petition, unless waived by city administrative staff as not necessary:
    - a. Site plan as defined by subsection 46-33(c)(3)h, drawn to an appropriate scale;
    - b. Exterior elevations, in color and drawn to an appropriate scale. Elevations shall include proposed landscaping and identification of materials for major exterior building components.
    - c. Street elevation, in color and drawn to an appropriate scale. The street elevation shall encompass the entire proposed project and generally identify the major elements of the adjacent two properties on either side of the site. If the adjacent properties are vacant or underutilized, a diagram shall be provided that identifies the mass and form that is allowable under current zoning.
    - d. Landscape plan, at the same scale as the site plan. The city manager

may request enlarged plans of detailed planting areas. Planting schedule with sizes of proposed plantings must be included.

- e. A scaled mass model or three-dimensional digital mass model of the project with structures on adjoining parcels identified.
  - f. Color and material samples for major exterior building components.
  - g. Drawings and presentation materials, labeled to identify the project and its location and signed and sealed by the architect responsible for the design. The architect must be licensed or registered in the State of Florida.
  - h. A lighting plan.
  - i. Drawings of any artwork that is to be placed on the site as later approved by the public art advisory committee.
- (d) Hearings before board. Upon receipt of a complete petition, the city manager shall notify all owners of property located within 500 feet of the property described in the petition of the date, time, place and purpose of the public hearing; and shall schedule review of the plans by the board at its next regular meeting. The board shall act on a full and complete petition within 44 days after the petition has been determined to be complete, unless the applicant consents to an extension of time. Unless waived by the board, the petition shall be presented to the board by the architect whose seal appears on the drawings and who is responsible for the design.
- (e) Action by board.
- (1) The board may require such changes, if any, in any plans or documents presented as may be necessary to conform to the provisions of this and all ordinances of the city. The board may require such changes in said plans and documents that may be requisite or appropriate to the maintenance of the high standard of construction, architecture, beauty and harmony required by the city.
  - (2) The board may grant, grant with conditions or deny each petition that is subject to its jurisdiction, applying the standards set forth in this division. Action on petitions shall be by board resolution, supported by written findings. Resolutions shall be filed with the city

clerk and a copy provided to the applicant, in person, or by United States mail, within 10 days after the action is taken.

- (3) Approval shall be effective for a period of 1 year from the approval date set forth in this section, or for the period of other approvals associated with the same project.

**Sec. 2-477. Appeals from decisions of board.**

- (a) Any petitioner, owner of the property that is the subject of the petition, or person who should have received notice pursuant to section 46-45 and who appeared before the board, is presumed to have standing to appeal a final decision of the board to the city council.
- (b) An appeal to the city council may be perfected by filing a notice of appeal, in a form prescribed by the city clerk, within 15 days after the decision of the board was signed by the chair or vice-chair and filed with the city clerk. The notice of appeal shall set forth the specific errors committed by the board, with reference to the portion of the record where the error was committed. To perfect the appeal, within the prescribed 15 days the appellant(s) shall: (1) complete and file the notice of appeal; and (2) pay a fee established by the city council for each decision that is appealed. If the notice of appeal is not timely filed, the filed notice of appeal is incomplete or the fee is not timely paid, the city staff shall reject the appeal and notify the appellant(s) that the appeal as filed is deficient. The appellant(s) shall have seven days from the date notice is sent by the city staff to correct the deficiency. If the deficiency is not cured within that seven-day period, the action of the board shall thereafter constitute final agency action by the board. If all deficiencies are cured within that seven-day period, the appeal shall be deemed to have been filed on the date all deficiencies are cured.
- (c) The city council shall hear the appeal at an available regularly scheduled meeting, or at a special meeting within 45 days after the date of filing the notice of appeal. Failure of the city council to adhere strictly to this schedule shall not constitute grounds for challenge of the city council's action. Any person who should have received notice pursuant to section 46-45 of the board's prior action shall be mailed a notice of the date the



appeal will be heard by the city council in accordance with section 46-45.

- (d) The city council shall render a decision immediately following the hearing of the appeal, unless the matter is continued consistent with established city council procedures. The city council's review shall be limited to a review of the record before the board and argument before city council regarding error by the appellant(s) and the property owner or petitioner before the board to determine:

- (1) Was the appellant(s) afforded procedural due process before the DRB?
- (2) Did the DRB decision follow the essential requirements of law?
- (3) Was there competent, substantial evidence presented to the DRB in support of its decision?
- (e) The city council may affirm, deny, or remand the board's decision with directions. The disposition of any appeal by the city council shall be by resolution and shall constitute final agency action.

**Sec. 2-478. Design review board application fees.**

Design review board application fees are as set forth in appendix A to this Code.

**Secs. 2-479-2-500 Reserved.**

**DIVISION 5. COMMUNITY SERVICES ADVISORY BOARD**

**Sec. 2-501. Established; composition; quorum; oath; meetings and records to be public.**

- (a) A community services advisory board consisting of five members and up to one alternate member, is hereby established. Selection, attendance and removal of community services board members shall be in accordance with this article and any applicable council procedures. The term of office for each member and alternate shall be three years and shall commence on May 1 of the year in which appointed. The presence of a majority of community services advisory board members shall constitute a quorum for the transaction of business.
- (b) The chair and vice-chair of the board shall be elected by the board to serve for a period of one year from the date of their election.
- (c) In accordance with applicable law, all meetings of the community services advisory board shall be open to the public. All board records shall be public records.

- (d) Prior to serving, each member shall qualify by taking an oath of office before the city clerk or a notary public.

**Sec. 2-502. Officers; meeting dates; minutes.**

- (a) The city manager, through the appropriate department staff, shall provide staff support to the community services board. The board shall fix and prescribe the duties of each of its officers.
- (b) The board shall keep minutes of its proceedings and preserve a permanent record thereof.
- (c) The board shall hold meetings on a date and time to be set by the board, and special meetings may be called by the chair or by a majority of the board.

**Sec. 2-503. Duties.**

- (a) The duties of the community services board shall be advisory and shall include the following:
  - (1) Review and make recommendations to the city council concerning those portions of the comprehensive plan pertaining to the procurement, development and alteration of parks and recreational facilities.
  - (2) Review and make recommendations to the city council concerning those portions of the capital improvement plan program pertaining to projects for the community services department.
  - (3) Review and make recommendations to the city council concerning those portions of the operating budget pertaining to programs and projects for the community services department.
  - (4) Such other responsibilities and duties assigned by the city council from time to time.
  - (5) Act ex officio as the city tree board.
- (b) The duties and powers of the advisory board are limited to those enumerated in subsection (a) of this section.

**Sec. 2-504. Reports.**

- (a) The community services board shall make an annual report to the city council concerning its recommendations pertaining to the community services department and its review of the capital improvement program, comprehensive plan and operating budget.
- (b) The community services advisory board may prepare other reports as may be requested from it by the city council.

**Sec. 2-505. Recommendations and findings advisory only.**

The recommendations and findings of the community services board shall not be binding on the city council and shall be advisory only.

**Sec. 2-506. Soliciting and receiving gifts or bequests.**

The community services board shall not solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds and parks.

**Sec. 2-507. Coordination of private and public recreation programs.**

In order to carry out the overall aims and purposes of a city community services board, the community services board should keep itself informed of the private and public recreation programs being conducted by the various civic and fraternal clubs, churches, schools, associations and organizations and act as a coordinating headquarters for a well-planned, efficiently operated program for the purpose of avoiding duplication of effort and the minimizing of costs, both public and private.

**Secs. 2-508—2-530. Reserved.**

**DIVISION 6. CONTRACTORS' EXAMINING BOARD**

**Sec. 2-531. Membership; term of office; quorum.**

There shall be only one contractors' examining board, composed of nine members, who shall be appointed by the city council. The nine members of the contractors' examining board shall consist of a licensed architect, two licensed general contractors, a licensed engineer, a licensed engineering contractor, a licensed electrical contractor, a licensed plumbing contractor, a licensed specialty contractor and a licensed mechanical contractor. The term of office for the examining board members shall be as follows: Beginning January 1, 1987, one licensed architect, one licensed general contractor and one licensed engineer shall be appointed for a period of one year; one other licensed general contractor, a licensed engineering contractor and a licensed electrical contractor shall be appointed for a period of two years; and a licensed plumbing contractor, a licensed specialty contractor and a licensed mechanical contractor shall be appointed for a period of three years. At the expiration of each term of office, members shall be appointed for terms of three years. Each member shall hold office until the member's successor has been duly appointed and qualified. Any vacancy occurring during the unexpired term of office of any member of the

examining board shall be filled by the city council for the unexpired term within 30 days after such vacancy occurs. Any member of the examining board may be removed from office by a majority vote of the city council. Five members of the board shall constitute a quorum at any meeting; however, in no case shall any decision be made with less than five concurring votes.

**Sec. 2-532. Jurisdiction; powers and duties.**

The contractors' examining board shall have the power to determine the qualifications of applicants for various types of contractors' licenses and certificates of competency, to hold hearings to determine if a license or certificate of competency of any contractor should be suspended for any violation of this division or chapter 10, article VI, to fix the length of time for such suspension or to revoke the license or certificate under the provisions of this division and chapter 10, article VI, to investigate any complaints made against the licensed contractor and determine whether it shall take administrative action against the contractor or direct the investigator to file a complaint for prosecution for the violation against the contractor, or to call upon members of the industry to advise and assist them. The board may prescribe different types of examinations for different kinds of contractors within each trade and issue limited certificates for which an applicant is qualified. The building contractors' examining board shall have jurisdiction over all matters pertaining to the examination, qualification, disciplinary action and certificate of competency of general contractors, sub-general contractors, sub-building contractors, engineering contractors, electrical contractors, plumbing contractors, mechanical contractors and liquefied petroleum gas installation contractors.

**Sec. 2-533. Organization; rules of procedure.**

- (a) Officers. The contractors' examining board shall elect its chair and vice-chair from its own members. The building official shall serve as secretary of the board, but shall have no vote.
- (b) Meetings. The board shall hold 12 regular meetings annually. Regular meetings shall be called by the chair of the board, and in the chair's absence by the vice-chair of the board, and special meetings may be called by the chair, the vice-chair or the secretary of the board.
- (c) Minutes. Minutes of board meetings shall be public records. Reports of a confidential nature such as credit reports, financial statements and communications with respect to the applicant's qualifications shall be confidential and shall not be a part of the

minutes of the board meetings, and such confidential reports shall be maintained in a separate file on each applicant. All minutes and records shall be kept in the office of the city clerk.

- (d) Staff. For the purposes of administering this division and chapter 10, article VI, the city manager, through the appropriate department staff, shall provide staff support to the contractor's examining board.
- (e) Rules. The contractors' examining board may make such rules and regulations as are consistent with the general policies of this division and chapter 10, article VI, as it may deem necessary to carry out the provisions of this division and chapter 10, article VI, but all such rules shall be approved by resolution of the city council before such rules shall have any force or effect.
- (f) Conduct of disciplinary proceedings.
  - (1) The secretary of the contractors' examining board may, upon the secretary's own motion, or shall upon a sworn complaint in writing of any person, investigate or cause to be investigated, by a special investigator appointed by the board, the charges against any contractor qualified under chapter 10, article VI, and submit a written report to the contractors' examining board. Upon the filing of petition of bankruptcy by or against a qualified contractor under chapter 10, article VI, or if a qualified contractor fails to keep in force the insurance policy required in subsection (f)(5)b of this section, the secretary of the board shall immediately suspend the certificate of competency and report the matter to the contractors' examining board for revocation action.
  - (2) The contractors' examining board, upon receipt of such report, shall decide if the report makes a prima facie showing of a violation of this division or chapter 10, article VI, and, if so, shall take the following action: instruct the secretary to send, by registered mail, a letter to the qualified contractor to the contractor's last known address, as shown by the board's records, setting out the name of the complainant, the time of commission of the alleged offense, and the section of this Code alleged to be violated, and notifying the qualified contractor to appear before the board at a time and

place fixed, no sooner than 20 days from the mailing of the registered letter, to show cause why the contractor's certificate of competency should not be further suspended or revoked.

- (3) The administrative hearing provided for in subsection (f)(2) of this section shall be open to the public. The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding, unless it would be admissible in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. The rules or privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Each party shall have these rights: to call and examine witnesses, to introduce exhibits, to cross examine opposing witnesses on any matter relevant to the issue even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against them. A written decision shall be made by the contractors' examining board by a majority of the entire board within 5 days after the close of the hearing. The decision shall be one of the following:
  - a. Not guilty.
  - b. Suspension of certificate of competency, stating a time.
  - c. Revocation of certificate of competency, naming an effective date.
- (4) The city council shall meet within five days after the decision of the examining board as listed in subsection (f)(3) of this section and shall affirm or disaffirm the finding and decision of the examining board within five days thereafter. An appeal from the

decision of the city council may be made by the contractor involved to the circuit court within 20 days, but not thereafter.

- (5) The contractors' examining board shall suspend a contractor's certificate of competency and, on the examining board's recommendation, the city council may revoke a contractor's certificate of competency if, after hearing, it is found that the contractor:
- a. Has been adjudicated bankrupt.
  - b. Fails to maintain at all times with an insurance company authorized to do business in the state the limits of insurance required by any other applicable law or authority having jurisdiction, but not less than bodily injury liability insurance with the minimum limits of \$50,000.00 for 1 person and \$100,000.00 for more than one person in any one accident, and property damage insurance with a minimum limit of not less than \$5,000.00 for any one accident, including any damage to public rights-of-way or shrubbery, and to file certificates, signed by the qualified agent of the insurer, with the secretary of the contractors' examining board showing the type of policy issued, the policy number, the name of the insurer, the effective date of the policy and the amount, and providing, by endorsement of the policy, an agreement by the insurer to give 30 days' written notice by registered mail to the secretary of the contractors' examining board of the intent to cancel the policy for any reason. The examining board may reinstate such revoked certificate of competency at such time as the contractor again supplies full insurance coverage as required by this division.
  - c. Violated any of the provisions of this division or chapter 10, article VI.

**Secs. 2-534—2-550. Reserved.**

**DIVISION 7. PLANNING ADVISORY BOARD**

**Sec. 2-551. Membership; term of office; quorum; oath; meetings and records to be public.**

- (a) A planning advisory board consisting of seven members and one alternate is hereby established. Selection, attendance and removal of planning advisory board members shall be in accordance with this

article. The term of office for each member and alternate shall be three years and shall commence on May 1 of the year in which appointed. The presence of a majority of planning advisory board members shall constitute a quorum for the transaction of business, providing, however, that no official action shall be taken by the planning advisory board to adopt or amend the comprehensive plan, or component thereof, without the concurring vote of a majority of all members of the planning advisory board. The alternate member shall vote on business items only if one or more members of the board are absent.

- (b) In accordance with applicable law, all meetings of the planning advisory board shall be open to the public. All board records shall be public records. The local planning agency shall encourage public participation.
- (c) Prior to serving, each member shall qualify by taking an oath of office before the city clerk or a notary public.

**Sec. 2-552. Jurisdiction; powers and duties; testimony or contacts by councilmembers.**

- (a) The planning advisory board will have the powers and duties set forth in this division and any other duties assigned to it by the city council. The provisions of the Florida State Sunshine Law, F.S. § 286.011, as they apply to city public officials, are hereby extended and ordained to apply to meetings between councilmembers and members of the city planning advisory board. Further, councilmembers are hereby prohibited from testifying before or addressing the planning advisory board or its individual members at public meetings of the planning advisory board on quasi-judicial matters which will be referred to the city council. It is intended by these provisions to specifically prohibit councilmembers from manipulating or influencing the recommendations of the planning advisory board to the city council prior to city council consideration on quasi-judicial matters. It is also intended by this section to prohibit councilmembers from contacting in person, by phone, or otherwise, members of the planning advisory board in regard to recommendations being formulated by the planning advisory board on quasi-judicial but not legislative matters. Excepted from this provision are councilmembers having a conflict of interest as defined by F.S. §§

112.311, 112.313 or 112.3143. In such cases, such members shall comply with the disclosure requirements of F.S. § 112.3143.

- (b) Any person who shall violate the provisions of this section shall be subject to a fine or imprisonment, or both, as provided in this Code. Violation of the provisions of this section by any councilmember shall constitute malfeasance in office and shall therefore subject the councilmember to recall as provided by law.
- (c) Pursuant to and in accordance with F.S. § 163.3174, the Local Government Comprehensive Planning and Land Development Regulation Act, the planning advisory board is hereby designated and established as the local planning agency for the incorporated territory of the city. The local planning agency, in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. §§ 163.3161—163.3211, shall:
  - (1) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city;
  - (2) Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state;
  - (3) Recommend the comprehensive plan, or elements or portions thereof, to the city council for adoption; and
  - (4) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the city council such changes in the comprehensive plan as may be required.
- (d) The planning advisory board shall have the power and the duty to prepare and recommend to the city council for adoption a comprehensive plan for the physical development of the city, and to perfect it. In conducting its work, the planning advisory board may consider and investigate any subject matter tending to the development and betterment of the municipality and may make recommendations as it may deem advisable concerning the adoption thereof to the city council. Such comprehensive plan may show, among other things, existing and proposed streets, sidewalks, highways, expressways, bridges, tunnels and viaducts and approaches thereto; routes of railroads

and transit lines; terminals, ports and airports, parks, playgrounds, forests, reservations and other public open spaces; sites for public buildings and structures; districts for residences, business, industry, recreation, agriculture and forestry; special districts for other purposes; limited development districts for purposes of conservation; water supply, sanitation, drainage, protection against floods and the like; areas for housing developments, slum clearance, urban renewal and redevelopment; and location of public utilities, whether publicly or privately owned, including but not limited to, sewerage and water supply systems; together with time and priority schedules and cost estimates for the accomplishment of the proposal. The comprehensive plan shall be based upon and include appropriate studies of the location and extent of present and anticipated use of land, population, social and economic resources and problems, and other useful data.

- (e) The planning advisory board shall act as the zoning board for the city as provided for in the Charter.
- (f) The planning advisory board shall prepare and recommend to the city council for adoption rules and regulations governing the approval of maps and plats of the subdivisions of land within the corporate limits of the city.

**Sec. 2-553. Organization; rules of procedure.**

- (a) Members of the local planning agency shall continue to be appointed and follow such rules of procedure, methods of choosing officers, setting of public meetings, providing of financial support, and accomplishing its duties as provided in this division.
- (b) The city council may appropriate funds at its discretion to the local planning agency for expenses necessary in the conduct of its work. The local planning agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 et seq., expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans and other sources; provided acceptance of loans or grants must be approved by the city council.
- (c) The planning advisory board shall elect a

chair and a vice-chair from among the members, and may create and fill such other offices as are determined to be necessary. Terms of all officers shall be for one year, with eligibility for reelection.

- (d) The planning advisory board shall make its own rules and regulations as may be deemed necessary for the proper function of the board in regard to:
  - (1) Determining its time of meeting.
  - (2) Filing procedure.
  - (3) Publication of agenda of board meetings.
  - (4) Circulation of petition to membership.
  - (5) Attendance of petitioner or petitioner's agent.
- (e) The planning advisory board, with council approval, may appoint such employees and staff as it may deem necessary for its work, and may contract with the state planning agency, city planners and other consultants for such services as it may require. The expenditure of the planning advisory board, exclusive of gifts, shall be within the amounts appropriated for the purposes by the city council.
- (f) Members of the planning advisory board shall receive no salary for their services, but may receive such travel and other expenses while on official business for the city as are made available by the city council for these purposes.

**Sec. 2-554. Petition fees.**

Petition fees shall be as set forth in appendix A to this Code.

**Secs. 2-555—2-570. Reserved.**

**DIVISION 8. COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD**

**Sec. 2-571. Creation and purpose.**

There is hereby established the community redevelopment agency advisory board, for the purpose of advising the city council in the council's capacities as the community redevelopment agency (CRA) and as city council by receiving public input, providing technical advice, and making recommendations for the matters within the board's jurisdiction and duties.

**Sec. 2-572. Composition; term of office; quorum.**

- (a) The board shall consist of seven members and one alternate, a majority of whom shall be legal residents of the city. Whenever possible the board shall be comprised of persons who shall be business owners, property owners or residents.
- (b) Beginning January 1, 2022, the initial terms of

appointment shall be staggered with four members appointed for two years and four members including the alternate appointed for three years. At the end of the initial terms, all appointment shall be for a period of three years unless the appointment is to fill the unexpired term of vacant positions. Members shall serve until such time as they are reappointed or replaced. No member shall serve more than two full terms in succession unless waived by council.

- (c) A quorum consisting of a majority of the membership shall be required for the transaction of business.
- (d) The board shall adopt a set of bylaws consistent with this division, to be approved by council, that includes at a minimum, a provision for electing a chair and a vice-chair, a provision for conducting regular meetings and for calling and conducting special meetings; and a provision for conducting quasi-judicial hearings.

**Sec. 2-573. Duties.**

The board shall perform the following duties:

- (a) Receive public input and provide technical recommendations concerning land use; economic and cultural vitality and diversity; acquisition, condemnation and demolition of properties; funding alternatives; and staffing needs for the community redevelopment agency and for the city manager pertaining to the community redevelopment area.
- (b) Consider applications and make recommendations to council for the following matters or applications within the community redevelopment area, the Fifth Avenue Overlay District, and the D Downtown District:
  - (1) Purchase of land for the construction and management of parking facilities and the sale or lease of specific parking spaces in the D Downtown and Fifth Avenue South Special Overlay Districts.
  - (2) Equitable distribution, redistribution and sale of municipal on-street parking and other publicly provided parking and the review of petitions for payments in lieu of parking.
  - (3) Incentives to induce private parking lots to be improved and landscaped.
  - (4) Potential legislative amendments to implement a shared parking program for the designated areas, including incentives to induce existing parking lots to be rebuilt and landscaped to serve more than one property.

- (5) Potential legislative amendments and new plans pertaining to right-of-way streetscape treatments, including landscaping, sidewalks, and street furnishing in the D Downtown and Fifth Avenue South Special Overlay Districts.
- (6) Changes to the land development regulations for the D Downtown and Fifth Avenue Special Overlay Districts consistent with recommendations of the CRA Master Plan, Heart of Naples Plan, Master Plan and Retail Recommendations for Fifth Avenue South by Duany Plater-Zyberk & Company, and Gibbs Planning Group, Retail Consultant or other plans and studies that may be adopted in the community redevelopment area.

**Sec. 2-574. Staff assistance; allocation of expenses.**

The city manager and the community redevelopment director and their respective staffs will provide support for the board as directed by the council and the community redevelopment agency and the expenses relating to board functions shall be fairly apportioned between the city and the community redevelopment agency.

**Secs. 2-575—2-580. Reserved.**

**DIVISION 9. PUBLIC ART ADVISORY COMMITTEE**

**Sec. 2-581. Creation and purpose.**

There is hereby established the public art advisory committee to advise the city council on matters dealing with the dollar for art program as well as to develop for city council approval guidelines, policies and procedures for the acquisition of public artwork in the city either through loan, donation or purchase. The committee will also assist the city council by receiving public input, providing technical advice, and making recommendations for the matters within the committee's jurisdiction and duties as set forth herein.

**Sec. 2-582. Established, composition, term of office; quorum; officers; oath; meetings and minutes.**

- (a) The public art advisory committee (PAAC) shall be composed of five members and one alternate. Each member shall be appointed for a term of four years and no member shall serve more than two consecutive terms. All appointments require a majority vote of the city council. Whenever a vacancy occurs, a new member shall be appointed to complete the unexpired term of the former member. Any member who consistently fails to attend

meetings without good cause shown or without the prior approval of the chairman of the committee may be removed by action of the city council, and the vacancy shall be filled as herein described. Members representing the Naples Art Association and United Arts Council shall be recommended by their respective organizations but shall serve out the complete terms described above. Composition of the committee shall be as follows:

- (1) Three regular members and one alternate member being private citizens, residents of the city, with knowledge of and appreciation for the visual arts. Citizen representatives may not operate, own, or be employed by any art dealer, art gallery, artist's representative, or other entity which derives income from the sale or display of artwork;
- (2) One member representing the Naples Art Association with knowledge of and appreciation for the visual arts;
- (3) One member representing the United Arts Council with knowledge of and appreciation for the visual arts.
  - (b) Prior to serving, each member shall qualify by taking an oath of office before the city clerk or a notary public.
  - (c) The presence of a majority of the members of the committee shall constitute a quorum. The alternate member may attend meetings and take part in the discussion of items before the committee but shall make and second motions and vote on business items only if one or more members of the committee are absent.
  - (d) The chair and vice-chair of the committee shall be elected by the committee to serve for a period of one year from the date of election.
  - (e) In accordance with applicable law, all meetings of the public art advisory committee shall be open to the public. Minutes of meetings shall be prepared in accordance with applicable law and shall record members' votes on issues to be forwarded to city council for approval. All recommendations to city council by the committee shall append a portion of the committee's

minutes relating to said recommendation.

- (f) The public art advisory committee shall create, maintain and amend a set of bylaws that will govern the time, date and procedures for the committee's public meetings.
- (g) The city manager, through the appropriate department(s), shall provide staff support to the committee with regard to artwork to be placed in city parks and city rights-of-way.

**Sec. 2-583. No compensation.**

Members of the committee shall serve without compensation.

**Sec. 2-584. Duties.**

- (a) Prepare guidelines, selection procedures and organizational policies to implement this chapter, subject to approval of city council.
- (b) Oversee the public art program and make recommendations to city council for final action.
- (c) Such other responsibilities and duties assigned by the city council from time to time.

**Secs. 2-585—2-600. Reserved.**



RESOLUTION 2017-13970

**A RESOLUTION RELATING TO MEETING ATTENDANCE, BY REMOTE MEANS; ESTABLISHING A POLICY FOR ATTENDANCE FOR NOTIFICATION, AND FOR ATTENDANCE AND PARTICIPATION BY REMOTE ELECTRONIC MEANS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in the current day and age, it is possible and feasible for council members and board, commission and committee members to attend their meetings from remote locations by use of electronic audio and visual means; and

**WHEREAS**, the City Council provides a preference for attendance in person where feasible, but recognizes the importance of full member participation whenever possible, and recognizes that sometimes a member for good cause cannot appear in person; and

**WHEREAS**, the City Council has amended and made its attendance policy more strict for its board, commission and commission members; and

**WHEREAS**, the Florida Attorney General has rendered opinions that recognize the legality of remote appearance by a member who for good cause cannot appear in person to participate remotely by electronic means, as though physically present, with all participation rights and voting privileges provided that there is a quorum physically present, that the member can hear and be heard by those present, and that there is a local policy allowing such appearance;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA:**

**Section 1.** A council member, or a member of a board, commission or committee who for good cause cannot appear in person at a meeting may appear remotely by electronic means, providing that:

- a. There is a quorum physically present at the meeting location;
- b. There is good cause for why the member cannot attend in person;
- c. The member has provided notification to the council, board, commission or committee, or to the city clerk, of inability to attend in person and desire to attend electronically, at least

two business days prior to the meeting, unless there is an exigent circumstance that prevented earlier notification; and

- d. When participating by remote electronic means, the member is visible and audible, or at least audible, to and from the members present at the meeting and the audience. In such case, the member has the same participation rights and voting privileges as though physically present.


**Section 2.** "Good cause" means that the member cannot attend in person due to illness, personal or family matter, absence from the area, unavoidable scheduling conflict, or other good reason. Except in urgent circumstances, the member must provide notification to the clerk at least two business days before the meeting.

**Section 3.** When appearing remotely the member is by law deemed to be present for all purposes and has all participation rights and voting privileges as if physically present.

**Section 4.** This resolution shall take effect immediately upon adoption.


**PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 17TH DAY OF MAY, 2017.**

Attest:

  
 Patricia L. Rambosk, City Clerk

  
 Bill Barnett, Mayor

Approved as to form and legality:

  
 Robert D. Pritt, City Attorney

M:\REF\COUNCIL\RES\2017\2017-13970

Date filed with City Clerk: 5-17-17

RESOLUTION 95-7474

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPLES ADOPTING PROCEDURES TO REMOVE THE PRESUMPTION OF PREJUDICE REGARDING EX PARTE COMMUNICATIONS IN QUASI-JUDICIAL PROCEEDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has adopted §286.0115, Florida Statute, which provides for the establishment of disclosure procedures by local governments to remove any presumed prejudice communicating with local government officials regarding items considered in quasi-judicial proceedings; and

WHEREAS, it is in the best interests of the citizens of the City of Naples to adopt the disclosure process set forth in §286.0115, Florida Statute;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

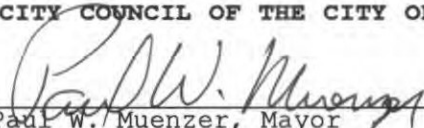
Section 1. That the following disclosures shall be made at any public meeting at which a vote is taken on a quasi-judicial matter by any public official in the City of Naples:

- A. the substance of any *ex parte* communication and the identity of the person, group or entity with whom the communication took place;
- B. any written communication with any person shall be read or made part of the record;
- C. any investigations, site visits or expert opinions received;

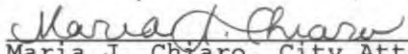
Such disclosures shall be made immediately following the announcement of the item to be considered at the public meeting.

Section 2. This resolution shall take effect immediately upon adoption.

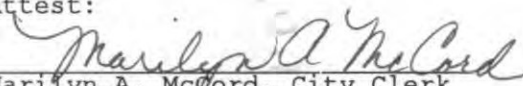
PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 19TH DAY OF JULY, 1995.

  
Paul W. Muenzer, Mayor

Approved as to form and legality:

  
Maria J. Chiaro, City Attorney

Attest:

  
Marilyn A. McCard, City Clerk  
M:\REP\COUNCIL\RES\95-7474

95-7474		
Korest		Y
Pennington	M	Y
Prolman		Y
Sullivan		A
Tarrant		Y
VanArsdale	S	Y
Muenzer		Y
(6-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

Agenda Item 15.A.  
Meeting of 5/19/21

**RESOLUTION 2021-14640**

A RESOLUTION AMENDING RESOLUTION 2021-14600 CONTAINING THE RULES OF PROCEDURE FOR CITY OF NAPLES CITY COUNCIL MEETINGS, AS ADOPTED AND AMENDED TO INCLUDE PROCEDURES RELATED TO APPEALS FROM THE DESIGN REVIEW BOARD DECISIONS; AND PROVIDING AN EFFECTIVE DATE.

---

Agenda Item 15.A1  
Meeting of 9/6/22

**RESOLUTION 2022-14922**

A RESOLUTION AMENDING SECTION 10(N) OF RESOLUTION **2021-14640** CONTAINING THE RULES OF PROCEDURE FOR CITY OF NAPLES CITY COUNCIL MEETINGS, AS ADOPTED AND AMENDED, TO AMEND PROCEDURES RELATED TO APPEALS FROM THE DESIGN REVIEW BOARD DECISIONS; AND PROVIDING AN EFFECTIVE DATE.

**NOTE:**

**THE COMPLETE RULES ARE: RESOLUTION 2021-14640 PLUS THE AMENDMENT THAT WAS MADE IN RESOLUTION 2022-14922.**

**Agenda Item 15.A.  
Meeting of 5/19/21**

**RESOLUTION 2021-14640**

**A RESOLUTION AMENDING RESOLUTION 2021-14600 CONTAINING THE RULES OF PROCEDURE FOR CITY OF NAPLES CITY COUNCIL MEETINGS, AS ADOPTED AND AMENDED TO INCLUDE PROCEDURES RELATED TO APPEALS FROM THE DESIGN REVIEW BOARD DECISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Naples City Council, as the duly elected governing body for the City of Naples holds regularly scheduled public meetings to discuss, review and act upon items of concern, which affect the residents of the City; and

**WHEREAS,** Exhibit A of Resolution 2021-14600, as previously amended by Resolutions 13-13267, 15-13710, 16-13801 and 18-18-14148, currently sets forth the Rules of Procedure for the City Council; and

**WHEREAS,** the Naples City Council desires to amend its current rules and procedures to include procedures to be followed when the City Council is reviewing appeals of decisions by the Design Review Board; and

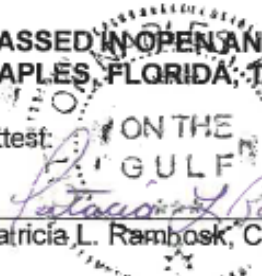
**WHEREAS,** it is in the best interests of the citizens of the City of Naples to adopt the amended Rules of Procedure of the City Council of the City of Naples;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:**

- Section 1.** That the above "Whereas" clauses are incorporated by reference as if stated herein in their entirety.
- Section 2.** That the City Council hereby amends Exhibit A containing the Rules of Procedure of the City Council, City of Naples as adopted by Resolution 2021-14600, as amended. A copy of the revised Rules of Procedure is attached hereto and incorporated herein by this reference as Exhibit A.
- Section 3.** That this resolution will take effect immediately upon adoption.

**PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 19TH DAY OF MAY 2021.**

Attest:

 ON THE  
 19<sup>TH</sup> DAY OF  
 MAY 2021  
*Patricia L. Rambosk*  
 Patricia L. Rambosk, City Clerk

*Teresa Lee Heitmann*  
 Teresa Lee Heitmann, Mayor

Approved as to form and legality:  
*Nancy Stuparich*  
 Nancy Stuparich, City Attorney

Date filed with City Clerk: 5-27-21

**EXHIBIT A  
RULES OF PROCEDURE  
CITY COUNCIL  
CITY OF NAPLES, FLORIDA**

**(Last Revised May 19, 2021)**

**Preamble**

These Rules of Procedure (the "Rules") are to facilitate the transaction of business, to ensure that the public's business is transacted both efficiently and effectively for the benefit of the public, and to promote cooperation in the deliberation of public policy. These Rules are designed to provide for thoughtful debate and action in a fair manner. These Rules are intended to protect the right of the public to be heard and considered, the right of the minority to be heard, the rights of individual council members, and the right of the majority to decide.

**Section 1. Applicability of these Rules**

- A. Except as otherwise required by law, these Rules will govern all proceedings of the city council. The failure to adhere to these Rules shall not create a cause of action or the basis of appeal or challenge to any matter before city council. If these Rules conflict with the City Charter, the Naples Code of Ordinances (the "Code"), or Florida Statute, the applicable Charter, Code, or Florida Statute will govern.
- B. Naples city government is a council-manager form of government. Except as prescribed in the City Charter, the Code, or Florida Statutes, or these Rules, the mayor will have no greater authority than any other council member.
- C. By majority vote, the city council may suspend these Rules for a stated purpose. A motion to suspend these Rules is not debatable.

**Section 2. Meeting Schedule**

- A. Unless otherwise scheduled, regular meetings will be held on the first and third Wednesdays of each month at 8:30 a.m. By majority vote of the council members present at a regular meeting, city council may cancel a future regular meeting or add a regular meeting on a specific day and time with no more than seven days or less than two days notice.
- B. By December of each calendar year, the city council will schedule regular and workshop meetings for the following calendar year.
- C. The city council may hold special meetings at any time with a minimum two-day notice being given in writing by the mayor or a majority of council members. The notice will specify the purpose of the special meeting.
- D. The city council may hold emergency meetings from time to time as permitted by the City Charter, the Code, and Florida Statutes.
- E. From time to time, city council may meet in executive session, which is closed to the public. City council may meet in executive session only concerning subject matter that is specifically authorized by Florida Statute. Such meetings may be stand-alone meetings or as portions of other meetings.

**Resolution 2021-14640****Page 3**

- F. The city council will hold workshop meetings on the Monday before the third Wednesday of each month at 8:30 a.m. If that date is a legal holiday, the workshop meeting will be held on the following day. By majority vote of the council members present at a regular meeting, city council may cancel a future workshop meeting, add a workshop meeting on a specific date and time, or after discussion at a workshop, the city manager may cancel a workshop meeting.
- G. The city council may recess any meeting, provided such recessed meeting will be to a future day and hour to be specifically provided for in the motion for such recess. The recessed meeting will be set on a date that is not later than the next regular meeting, and any such recessed meeting shall not be held at any date or time other than as specified in such resolution.

**Section 3. Meeting Agenda**

- A. The city manager will prepare the agenda for each city council meeting. In preparing the agenda, the city manager will consult with the mayor concerning the order of the agenda and any "time certain" items.
- B. Council members may deliver to the city manager such memoranda or summaries to clarify the purpose and intent of an agenda item.
- C. The city manager will include with each agenda item an agenda memorandum and all supporting documents, including those described in above subsection B that may be necessary for city council to make an informed decision (collectively the "agenda packet"). Whenever reasonably practical, the city manager will deliver the agenda packet to each council member no later than the day that is one week before a regular meeting and at least two business days before a special or workshop meeting. At any time before a meeting, the city manager may distribute revised or additional information as an agenda supplement. If there is inadequate time to make such a distribution, the revised or additional information may be provided at the meeting.
- D. The agenda packet will be in electronic format. Before the meeting, the agenda packet will be posted on the city's web site for public review. The electronic agenda packet will also be accessible for public review during the meeting. Upon the request of any council member, the city manager or city clerk will deliver the agenda packet to that member in print form. A paper copy of the final agenda will be maintained in the city clerk's office.
- E. At meetings, council members may also share reports, information, correspondence, or other items they consider necessary or appropriate for city council to consider.
- F. No item of business at any regular or special city council meeting will be transacted unless:
  - i. The item is specifically set forth in the notice prescribed in Section 4.A. below [Sec's. 2-52 or 2-53 City Code]; or
  - ii. The item is added to the agenda at the meeting by a vote of at least five council members.

- G. By majority vote, city council may continue an agenda item to a future regular, special, or workshop meeting.
- H. The city manager may continue, or grant one continuance, of an agenda item before the meeting. No other continuances will be granted without approval of city council or, if council is in recess, by the mayor.
- I. The agenda may have a "consent agenda" section for items concerning routine business, recurring items, or non-controversial business. The purpose of the consent agenda is to facilitate the conduct of city council's business in an efficient, timely, and orderly manner. If any council member wishes to discuss a consent agenda item, the member may request removal of the item from the consent agenda, whereupon the item will be removed from the consent agenda and will be added as a regular agenda item. The approval of the consent agenda will be voted upon before consideration of regular agenda items and may be approved by a single motion.
- J. Each agenda for regular, special, emergency, and workshop meetings will include, without limitation:
  - i. A time before the vote on a proposition for public comment.
  - ii. Immediately after the business section, a time for correspondence and communications will occur wherein council members have an opportunity to share reports, correspondence, or other information, or to request council consensus to place an item on a future workshop or regular meeting agenda. Council members may supply memoranda or other materials for distribution by the city manager during this agenda period.

#### **Section 4. Meeting Notice**

- A. Except for emergency meetings, the city clerk will publish notice in a newspaper of general circulation of the city containing the time, date, and location of each council meeting not more than seven nor less than two days before such meeting.

#### **Section 5. Quorum**

- A. A majority of council members will constitute a quorum to transact any business, but a lesser number may meet and adjourn from time to time and, if necessary, may compel the attendance of absent members by attachment and arrest by the chief of police or by imposition of such fine or penalty as may be fixed by ordinance.
- B. A council member present but required to recuse because of a conflict of interest will be counted for purposes of determining a quorum.

#### **Section 6. Meetings**

- A. Except for executive sessions, all meetings of the city council will be open to the public. Public participation will be as prescribed in Section 9 below.
- B. Pursuant to section 2.4 of the City Charter, the mayor or vice mayor will chair, except when both are absent; then the members present will elect a presiding member. A member present but disqualified from voting on a question by a state law or ordinance due to a conflict of interest will be counted for purposes of a



**Resolution 2021-14640**

quorum. Members will abide by the ruling of the Mayor unless otherwise determined in subsection (C) below.

C. Questions of order will be decided by the mayor without debate, subject to appeal by council.

(1). An appeal to the ruling of the mayor will be made by the statement; "i appeal from the decision of the mayor." the appeal must be seconded and is subject to debate.

(2). the mayor then puts to a vote the question; "Shall the decision of the mayor be sustained?" a majority or tie vote sustains the ruling of the mayor.

D. Generally, meetings will be conducted as follows:

i. The chair will:

- a. Always conduct the meeting firmly and courteously while maintaining order.
- b. Ensure that a council member is recognized before speaking and allow only one person to speak at a time.
- c. Allow persons not on city council to speak only at designated times and apply time limits uniformly.
- d. Rule out of order remarks that are personal attacks or attack motives of character of another council member, or which are not related to the matter before the city council.
- e. Reject frivolous motions and motions not allowed by these Rules and require motions to be stated affirmatively and succinctly.
- f. Restate, or have restated, motions and allow the maker of a motion to speak first.
- g. Allow a council member more opportunity to speak on a matter only after all other council members have had an opportunity to speak.
- h. Allow interruption of a speaker only by consent of the speaker or for permitted reasons, such as to raise a point of order or to request clarification.
- i. Reject discussion of motions that are not debatable, such as to adjourn, to call for the question, to continue, to recess, to table.
- j. Recognize that all council members have equal rights, privileges, and obligations, and will remain impartial in the use of authority.
- k. Call for the question when it appears that members have concluded debate, or when such debate has become repetitive and non-productive for the required policy decision.
- l. Remind the public of the requirement to submit a Speaker Registration Form for the public comment section of the agenda or for an agenda subject.

- ii. Council members will:
  - a. Be recognized by the chair before speaking. Then, after each member has had the opportunity to speak, a member may comment on the subject in random order upon recognition by the chair. The chair may allow a more or less formalized speaker order, depending on the issue and volume of the information to be discussed.
  - b. When making a motion, speak clearly and concisely to avoid any misunderstanding of the intent of the motion. State the motion affirmatively.
  - c. Not speak a second time on a subject until all who wish to speak have done so.
  - d. Confine remarks to the subject of the motion and avoid remarks involving personalities, or that are intended to be a political speech for the attending public rather than for influencing city council decisions.
  - e. Not interrupt a speaker who has the floor without consent, except to present a privileged motion.
  - f. Limit comments to those required to state a position while avoiding repetitiveness or redundancy.
  - g. Not be obligated to state a position or opinion on matters under discussion. Discussion should be intended to add information, persuade colleagues through debate, and state positions.
  - h. Refrain from adding comments or explanations during the voting process. Comments and explanations may be made during discussion before or after the motion, and not when voting.
  - i. At all times act with decorum toward other council members and the public, recognize that people appearing before city council should be treated with respect and dignity.
  - j. Refrain from starting a discussion with the speaker during the public comment period except to clarify points raised by a speaker, and to let speakers finish before commenting. If additional information or response from staff is needed, the council member may ask questions following the speaker's comment.
  - k. Recognize that the legislative process involves interaction of competing ideas that resolve themselves in a decision by the city council. The final decision may not satisfy all members, but the will of the majority prevails. Once a question has been voted upon, the decision becomes the final decision of the city and each member will abide by the results.
  - l. Be prepared and be focused. While questions and clarification will occur, many questions can be answered by studying the agenda packet, or with a phone call or visit with staff before a meeting. Council members and the public may then focus on the decision-making process at hand in a timely manner.

**Resolution 2021-14640****Page 7**

- iii. The public will:
  - a. Be permitted to address city council during the public comment period on any subject, and during the public comment period on any matter scheduled on the agenda.
  - b. Complete and submit a Speaker Registration Form before the close of the public comment period for that agenda item. The chair will call to the podium those who have submitted a form.
  - c. Limit their comments to three minutes unless the period is extended by the chair or by a majority of council members.
  - d. Upon being recognized by the chair, the speaker will go to the podium and state the speaker's name and address.
  - e. The answering of the speaker's questions will occur only when directed by the chair. Otherwise, staff or council members will answer questions outside of the meeting. Nothing here is intended to limit the ability of council members to question public speakers.
- E. Except as otherwise provided in the City Charter, the Code, the Florida Statutes, or these Rules, meetings will be conducted according to the Modern Rules of Order as published by the American Bar Association.
- F. Council members will signal their desire to speak on an issue by raising their respective hands. The chair will call on each council member in the order seen.
- G. The city attorney will act as parliamentarian and will give opinions as to these Rules and matters not contained herein.
- H. Agenda items and resolutions thereof will be handled as follows:
  - i. Except as otherwise provided by law, the city attorney or the city manager will read an ordinance or resolution by title only and either may summarize the item.
  - ii. Staff will then make the formal presentation to city council.
  - iii. Council may ask questions of staff and discuss the presentation.
  - iv. The chair will then recognize public speakers who have submitted a Speaker Registration Form. Such recognition may occur before a motion is made.
  - v. Following public comment, council members may discuss the item, both before and after the making of a motion.
  - vi. Upon the making and seconding of a motion, the chair or the chair's designee will repeat the motion and the names of those making and seconding the motion.
  - vii. All motions will be made in the affirmative (i.e. "I move that...be approved" or "I move that.... be denied.")
  - viii. The movant will have the first opportunity to speak to the motion, followed by other council members wishing to be heard.

- ix. Council members should seek to limit comments to a period of five minutes.
- x. Following comments by each council member wishing to speak, each may again comment, seeking to limit the comments to three minutes.
- xi. All motions may be amended. A motion to amend is debatable.
  - a. After a motion to amend is made, seconded, and debated, the motion to amend will be voted upon before further consideration of the main motion. If an amendment is passed, debate will continue on the main motion as amended.
  - b. A council member may ask that the person offering the main motion consider amending the main motion. If the maker and the seconder of the main motion consent, the main motion will be amended without a vote. The chair or the chair's designate will state the motion as amended.
- I. The city clerk or the clerk's designee will prepare minutes of all public city council meetings for city council review and approval. Approved minutes are the official record of the meeting or workshop.
- J. Audio and video recordings of city council meetings may be made and are public records; a copy will be maintained by the city clerk. Such recordings are not official records of the meeting.

**Section 7. Voting**

- A. Except where otherwise prescribed by the City Charter, the Code, and Florida Statute, all actions of city council, including when acting as the board of appeals, will be by majority vote of council members present at a meeting.
- B. Unless required to recuse, every council member present, including the chair, will vote on every question.
- C. Votes may be by voice vote.
- D. The chair or any council member may call for a roll call vote. The order of voting will vary with each vote, with the chair to cast the last vote.
- E. The vote of each council member on every question will be recorded in the minutes.
- F. A tie vote results in the defeat of the question.

**Section 8. Reconsideration of a Motion**

- A. During the meeting in which city council has voted on a matter, city council may reconsider the matter by simple majority vote. The motion to reconsider may be made only by a council member who originally voted in the majority.
- B. After adjournment of the meeting at which the matter was voted upon, reconsideration may be only as follows:
  - i. Only a council member who voted in the majority may request reconsideration of a matter previously voted upon. If a vote ended with a tie vote, any council member who cast a vote may request reconsideration.

- ii. A request for reconsideration will be made in writing to the city manager no later than noon on the Friday before the next regularly scheduled meeting immediately following the meeting at which the matter was voted on, at which meeting city council will discuss whether to reconsider the matter.
  - iii. Upon a majority affirmative vote, and unless city council otherwise directs, the city manager will place the matter on a regularly scheduled meeting agenda. Upon a negative vote the matter will no longer be reconsidered.
- C. The city clerk will take reasonable steps to notify persons who took part, by speaking or submitting written materials, at the first meeting of the date of reconsideration.
  - D. A matter may be reconsidered only once. Thereafter, a matter, or any matter subsumed by it, may be considered only as a new submission, including where appropriate a new petition, including filing fees, advisory board hearings, and new city council action.
  - E. This section does not apply to adoption of ordinances or quasi-judicial proceedings.

#### **Section 9. Public Hearing**

- A. The purpose of public hearings is to receive input from the public about an issue before city council and to allow the public to observe the proceedings of city council. Public participation will be permitted concerning ordinances, land use and development issues, budgets, utility rate changes, and as otherwise permitted by city council, or required by law
- B. Those requesting to speak will submit a Speaker Registration Form before the start of the public hearing. The completed form will include the name and address of the speaker.
- C. Public comment will be limited to three minutes unless otherwise determined by the chair or a majority of city council.
- D. Upon the conclusion of public comment, the chair will close the public hearing.

#### **Section 10. Special Procedures for Quasi-Judicial Proceedings**

- A. Notwithstanding anything in these rules to the contrary, the following procedures will govern quasi-judicial proceedings.
- B. After introduction of the petition by city attorney, city council will disclose any ex parte contact or communication they may have had regarding the petition. The petitioner will then present its case. The petitioner's presentation will take no more than 20 minutes. Upon request, city council may grant the petitioner more time to complete its presentation. After the petitioner's presentation, council members may question the petitioner. The petitioner should notify the city manager in advance of the proceeding if it expects that more time is needed for the presentation.
- C. Staff will then provide an analysis of the petition; which presentation will take no more than 20 minutes. Upon request, city council may grant the staff more time to

complete its presentation. After the staff's presentation, council members may question the staff.

- D. The chair will then call for public comment by those who have completed a Speaker Registration Form. Each speaker will have up to three minutes to comment on the petition.
- E. Upon conclusion of public comment, the public hearing will be closed.
- F. The petitioner will have up to five minutes to present any final summation, followed by questions from council members.
- G. Council members should not make a motion concerning the petition, debate the petition, or call for the question until all of the evidence has been entered into the record.
- H. Either the petitioner or the staff may request a time certain concerning the petition by notifying the mayor and the city manager at least five days in advance of the publication of the agenda. While the mayor may set a time certain, the mayor is not required to do so.
- I. Any person wishing to use handouts at a meeting will deliver 12 copies for council members and staff.
- J. Decisions of city council will (1) be fair and impartial; (2) be based only upon the testimony and other evidence presented or contained in the record at the hearing; (3) and will apply the ordinances in accordance with the essential requirements of the law.
- K. City council will expressly state the reason(s) for granting or denying in the ordinance, resolution, or motion.
- L. Petitions, documents, exhibits, photos, PowerPoints/electronic visual presentations, and other evidence in support of a petition must be submitted to the departmental staff by close of business on the Monday, 16 days before the city council hearing. The petitioner must submit any amendments to the submittal by the close of business on the Friday 11 days before the hearing. Any such material that is not timely submitted is grounds for the city council not to admit the material into evidence or consider the material or testimony pertaining to it, for the matter to be continued, or for the matter to be remanded to the appropriate advisory board. It is the petitioner's responsibility to ensure that all exhibits that it wants to be considered are submitted for inclusion in the council packet by the foregoing deadline. Deadlines falling on holidays are extended to the next non-holiday workday.
- M. Members of the public may submit written information in advance of or during the quasi-judicial proceeding, and oral comments at the designated "public comment" period during the quasi-judicial proceeding.
- N. Design Review Board Appeals. The following procedures shall apply when the City Council reviews appeals from decisions by the Design Review Board ("DRB"):
  - i. The appeal is a de novo review of the Petition as presented to the DRB. Any ex parte communication or conflict of interest shall be disclosed as provided in

- Resolution 95-7474 at the beginning of the public hearing. Council members shall confirm on the record that no opinion has been formed regarding the merits of the appeal, they have no bias towards any of the participants and their vote shall be based on the evidence and testimony presented during the public hearing. The parties may ask questions of council members who made ex parte disclosures.
- ii. At the beginning of the public hearing, the mayor shall announce the time that has been allocated for presentations by the Appellant(s), DRB Petitioner and city staff, which shall be 20 minutes each regarding the issue of standing to appeal and 20 minutes for presentation on the merits of the appeal. Any request for allocation of additional time shall be made at the beginning of the public hearing and shall require the vote of city council.
  - iii. The mayor shall ask whether council members have reviewed 1) the "City of Naples Application for Appeal" form or other document, which shall fully disclose the basis for the appeal and submitted to city staff, along with payment of the appeal fee; and 2) any agenda materials. The mayor will thereafter ask if there is a motion to include these materials in the record for the appeal.
  - iv. The Appellant(s) is the Petitioner in the appeal. The burden of proof is initially on the Appellant(s) to demonstrate by competent and substantial evidence that the Appellant(s) has standing to file the appeal in accordance with Section 2-477. Following the Appellant(s) presentation, the city council may ask questions of the Appellant and city staff.
  - v. If the city council determines Appellant(s) have standing to file the appeal, the burden shifts to the DRB Petitioner, a property owner or his or her representative, in accordance with Sections 2-475 through 2-477, to demonstrate by competent and substantial evidence that the criteria in Section 50-241 is satisfied. The city council may ask questions of the DRB Petitioner. The DRB Petitioner and staff shall have the opportunity to cross-examine the Appellants(s) regarding any claim of standing to bring the appeal.
  - vi. City staff shall make a presentation and respond to any questions from the city council.
  - vii. Next Appellants shall have an opportunity to present their case. Following the presentation of their case, Appellants shall have an opportunity to cross examine the DRB Petitioner and city staff as well as any witnesses appearing on behalf of the DRB Petitioner.
  - viii. Next the DRB Petitioner shall have an opportunity to cross-examine the Appellant(s), any witnesses appearing on behalf of the Appellants and city staff.
  - ix. The mayor shall next ask if there are any members of the public who wish to provide comment. Comment from the public shall be limited to 3 minutes, unless an extension of time is requested at the end of the 3 minutes and granted by the mayor.
  - x. Rebuttal and closing comments shall follow first from the Appellant(s), city staff, and DRB Petitioner. Rebuttal and closing comments should not exceed 10 minutes each.

- xi. The mayor shall close the public hearing and request discussion from the city council including a motion to approve, deny, approve with conditions, or continue the hearing regarding the DRB Petition.
- xii. The record before the city council when reviewing an appeal of a DRB decision shall consist of submittals as required by Section 2-476 of the Code, including but not limited to three-dimensional digital mass model schematic unless waived by staff prior to the hearing, to be provided by the DRB Petitioner, Appellants or city staff in advance of the distribution of the agenda for the public hearing or any supplements distributed by city staff prior to the public hearing. Any additional documents presented during the public hearing may be accepted as part of the record upon an affirmative vote by the city council after the public hearing has ended.

### **Section 11. Public Hearings by Committee, Mayor, or City Manager**

- A. When authorized by law or ordinance, city council may appoint a special magistrate or committee, or designate the mayor or city manager to assist in or hold a public hearing for city council at any time upon any matter pending before it. The requirements of the Sunshine law will apply in the same manner as it would apply to city council. Minutes or reports of hearings held by special committees, the mayor, or city manager will be filed as a public record.

### **Section 12. Election of Vice Mayor**

- A. At the regular meeting at which newly elected council members take office, the city council will elect a vice mayor.
- B. The mayor will call for nominations for vice mayor. Nominations do not require a second. The mayor may nominate a candidate. Nominations should remain open until there are no further nominations. A nominee may decline the nomination. Council members may discuss the nominations.
- C. When no further nominations are forthcoming, the mayor will close the nominations and call for a vote. Nominees will be voted upon in alphabetical order.
- D. If no candidate receives a majority of votes, the nominee(s) receiving the least number of affirmative votes will be dropped from consideration, whereupon there will be another vote. This process will be repeated until one candidate receives a majority of the votes.
- E. If there remain two candidates and the vote ends in a tie, the mayor will reopen nominations, followed again by a vote.



**Agenda Item 15.A1  
Meeting of 9/6/22**

**RESOLUTION 2022-14922**

**A RESOLUTION AMENDING SECTION 10(N) OF RESOLUTION 2021-14640 CONTAINING THE RULES OF PROCEDURE FOR CITY OF NAPLES CITY COUNCIL MEETINGS, AS ADOPTED AND AMENDED, TO AMEND PROCEDURES RELATED TO APPEALS FROM THE DESIGN REVIEW BOARD DECISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Naples City Council, as the duly elected governing body for the City of Naples holds regularly scheduled public meetings to discuss, review and act upon items of concern, which affect the residents of the City; and

**WHEREAS,** Exhibit A of Resolution 2021-14640, as previously amended by Resolutions, 13-13267, 15-13710, 16-13801, 2018-14148, and 2021-14600, currently sets forth the Rules of Procedure for the City Council, including procedures applicable to the Design Review Board when sitting as the Board of Appeals; and

**WHEREAS,** the Naples City Council desires to amend Section 10(N) of its current rules and procedures related to appeals of decisions by the Design Review Board for purposes of consistency with recent changes to Section 2-477 of its Code of Ordinances; and

**WHEREAS,** it is in the best interests of the residents of the City of Naples to adopt and amend the City Council's Rules of Procedure;

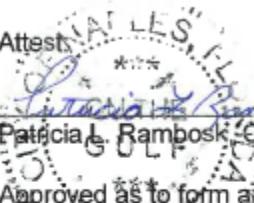
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:**

**Section 1.** That the above "Whereas" clauses are incorporated by reference as if stated herein in their entirety.

**Section 2.** That the City Council hereby amends Section 10(N) of Exhibit A containing the Rules of Procedure of the City Council, City of Naples as adopted by Resolution 2021-14640, as amended. A copy of the revisions to Section 10(N) is attached hereto and incorporated herein by this reference as Exhibit A.

**Section 3.** That this resolution will take effect immediately upon adoption of Ordinance 2022-14905, upon Second Reading.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 6TH DAY OF SEPTEMBER, 2022.

Attest:  Patricia L. Ramboski  
Patricia L. Ramboski, City Clerk

Teresa Lee Heitmann  
Teresa Lee Heitmann, Mayor

Approved as to form and legality:  
Nancy A. Stuparich  
Nancy A. Stuparich, City Attorney *Vox Law Firm*

Date filed with City Clerk: 10-10-22

EXHIBIT A

- ~~A. Design Review Board Appeals. The following procedures shall apply when the City Council reviews appeals from decisions by the Design Review Board ("DRB");~~
- ~~i. The appeal is a de novo review of the Petition as presented to the DRB. Any ex parte communication or conflict of interest shall be disclosed as provided in Resolution 95-744 at the beginning of the public hearing. Council members shall confirm on the record that no opinion has been formed regarding the merits of the appeal, they have no bias towards any of the participants and their vote shall be based on the evidence and testimony presented during the public hearing.~~
  - ~~ii. At the beginning of the public hearing, the mayor shall announce the time that has been allocated for presentations by the Appellant(s), DRB Petitioner and city staff, which shall not be less than 20 minutes each. Any request for allocation of additional time shall be made at the beginning of the public hearing and shall require the vote of city council.~~
  - ~~iii. The mayor shall ask whether council members have reviewed the agenda materials and if there is a motion to include the agenda materials in the record for the appeal.~~
  - ~~iv. The Appellant(s) is the Petitioner in the appeal. The burden of proof is initially on the Appellant(s) to demonstrate by competent and substantial evidence that the Appellant(s) has standing to file the appeal in accordance with Section 2-477. Following the Appellant(s) presentation, the city council may ask questions of the Appellant and city staff.~~
  - ~~v. If the city council determines Appellant(s) have standing to file the appeal or if the city council reserves ruling on the standing issue until the conclusion of the public hearing, the burden shifts to the DRB Petitioner, a property owner or his or her representative, in accordance with Sections 2-475 through 2-477, to demonstrate by competent and substantial evidence that the criteria in Section 50-241 is satisfied. The city council may ask questions of the DRB Petitioner.~~
  - ~~vi. City council may next ask city staff to make a presentation and respond to any questions from the city council.~~
  - ~~vii. Next Appellants shall have an opportunity to present their case. Following the presentation of their case, Appellants shall have an opportunity to cross examine the DRB Petitioner and city staff as well as any witnesses appearing on behalf of the DRB Petitioner.~~
  - ~~viii. Next the DRB Petitioner shall have an opportunity to cross examine the Appellant(s), any witnesses appearing on behalf of the Appellants and city staff.~~
  - ~~ix. The mayor shall next ask if there are any members of the public who wish to provide comment. Comment from the public shall be limited to 3 minutes, unless an extension of time is requested at the end of the 3 minutes and granted by the mayor.~~

- ~~x. Rebuttal and closing comments shall follow first from the Appellant(s), DRB Petitioner, and city staff. Rebuttal and closing comments should not exceed 10 minutes each.~~
- ~~xi. The mayor shall close the public hearing and request discussion from the city council including a motion to approve, deny, or approve with conditions the DRB Petition.~~
- ~~xii. The record before the city council when reviewing an appeal of a DRB decision shall consist of submittals provided by the DRB Petitioner, Appellants or city staff in advance of the distribution of the agenda for the public hearing or any supplements distributed by city staff prior to the public hearing. Any additional documents presented during the public hearing may be accepted as part of the record at upon an affirmative vote by the city council after the public hearing has ended.~~
- xiii. Any procedures in Paragraphs A-M of Section 10, which are not otherwise in conflict with Paragraph N, shall apply in DRB appeals.

N. Design Review Board Appeals. The following procedures shall apply when the City Council reviews appeals from decisions by the Design Review Board ("DRB"):

i. The appeal is a review of the DRB decision based upon the record upon which the DRB rendered its decision to determine:

- 1) Was the Appellant afforded procedural due process before the DRB?
- 2) Did the DRB decision depart from the essential requirements of law?
- 3) Was there competent, substantial evidence presented to the DRB in support of its decision?

Any ex parte communication related to the appeal or conflict of interest shall be disclosed as provided in Resolution 95-744 at the beginning of the public hearing. Council Members shall also confirm on the record that no opinion has been formed regarding the merits of the appeal, they have no bias towards any of the participants and their vote shall be based on the evidence and testimony presented during the public hearing.

In addition, at the beginning of the public hearing, anyone intending to speak shall be sworn in. The Mayor shall announce the time that has been allocated for presentations by the Appellant(s), DRB Petitioner and city staff, which shall not be less than 20 minutes each for presentation of the merits of the appeal, 5 minutes for rebuttal, and 5 minutes for closing statements. In the event there is more than one ground for appeal, a petitioner's time shall be limited to 20 minutes in aggregate. Any request for allocation of additional time shall be made at the beginning of the public hearing and shall require a majority vote of city council.

The City Council shall first determine if the Appellant(s) has standing before the Appellant begins presentation of the merits of the appeal. If it is unclear based on the information provided by the Appellant, the City Council shall direct questions to the Appellant. Thereafter, a finding should be made by motion regarding the Appellant(s)' standing to

present the appeal. The city council may reserve ruling on the standing issue until the conclusion of the public hearing.

ii. The order of the oral presentation of the appeal shall be: (1) Appellant(s); (2) DRB Petitioner/Property Owner; and (3) comments from members of the public. Any comments from the members of the public shall be limited to 3 minutes. Thereafter, Appellant(s) and the DRB Petitioner/Property Owner shall have an opportunity to rebut any arguments or comments made and make closing comments.

iii. The Mayor shall close the public hearing. Only City Council may ask questions of the Appellant, the DRB Petitioner/Property Owner, and City Staff prior to rendering a decision. The decision should be made as a motion to approve, deny, or approve with conditions the DRB appeal.

iv. The record before the city council when reviewing an appeal of a DRB decision shall consist of a copy of the agenda materials submitted to the DRB, the DRB decision and a transcript of the DRB hearing, submittals provided by the DRB Petitioner, Appellants or City Staff, or written public comment received in advance of the distribution of the agenda for the public hearing or any supplements distributed by city staff prior to the public hearing. No additional documents shall be presented during the public hearing for inclusion in the record from the public or the parties.



[Chapter 286, Florida Statutes](#)

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There are three basic requirements of [Chapter 286.011, F.S.](#):

Meetings of public boards or commissions must be open to the public;

Reasonable notice of such meetings must be given;

Minutes of the meetings must be taken.

## GUIDE TO FLORIDA'S GOVERNMENT-IN-THE-SUNSHINE LAWS OPEN MEETINGS AND PUBLIC RECORDS

Summarized from the [2022 Government In-The-Sunshine Manual](#) that is **prepared annually** by the Office of the Attorney General of Florida and published by the First Amendment Foundation.

Advisory board & committee members are an integral part of the policy development process in the City of Naples. Your role is to research and make recommendations or suggestions to the City Council on various topics of public concern.

This handbook contains information you will need to better understand your responsibilities.

