

RESOLUTION 2020-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, ESTABLISHING POLICIES TO GOVERN THE COMMUNICATIONS AND PETITIONS PORTIONS OF PUBLIC MEETINGS; ESTABLISHING A LIMITATION ON PERSONS WHICH MAY SPEAK DURING THIS PORTION OF THE MEETING; ESTABLISHING A TIME LIMIT FOR ADDRESSING PUBLIC MEETINGS; LIMITING THE SPEECH TO RELEVANT AND LEGITIMATE INQUIRIES AND DISCUSSION BY THE PUBLIC; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there is a significant governmental interest in conducting orderly efficient public meetings of the City Commission and the City's other Boards and Committees; and

WHEREAS, the City Commission has the authority to limit public input and discussion at public meetings in accordance with the provisions of §286.0114, Florida Statutes; and

WHEREAS, the City Commission finds it to be in the interest of the public to establish reasonable limitations on addressing the City Commission and other Boards and Committees during the Communications and Petitions portion of public meetings; and

WHEREAS, in *Rowe v. City of Cocoa, Florida*, 358 F.3d 800 (2004) the United States Court of Appeals for the Eleventh Circuit rejected a challenge to the city council's restriction allowing only citizens or taxpayers to be heard during the "delegations" portion of the Council meetings or hearing from persons who receive utility service from the city concerning that service; and

WHEREAS, the Communications and Petitions portion of the City of Lake Wales' public meetings is similar to the "delegations" segment of the public meetings of the City of Cocoa, Florida; and

WHEREAS, the Court in *Rowe* stated "The freedom of expression protected by the First Amendment is not inviolate; the Supreme Court has established that the First Amendment does not guarantee persons the right to communicate their views 'at all times or in any manner that may be desired.'" *Jones v. Heyman*, 888 F.2d 1328, 1331 (11th Cir.1989) (quoting *Heffron v. International Soc'y for Krishna Consciousness*, 452 U.S. 640, 647, 101 S.Ct. 2559, 69 L.Ed.2d 298 (1981)). This Court has held in *Jones* that a city commission meeting is one forum where speech may be restricted " 'to specified subject matter.'" *Jones*, 888 F.2d at 1332 (quoting *City of Madison Joint School Dist. v. Wisconsin Employment Relations Comm'n*, 429 U.S. 167, 176 n. 8, 97 S.Ct. 421, 50 L.Ed.2d 376 (1976)). Stated differently, city commission meetings are "limited" public fora—i.e., "a forum for certain groups of speakers or for the discussion of certain subjects." *Crowder v. Housing Auth. of City of Atlanta*, 990 F.2d 586, 591 (11th Cir.1993) (citing *Perry Educ. Ass'n. v. Perry Local Educators' Ass'n.*, 460 U.S. 37, 46 n. 7, 103 S.Ct. 948, 74 L.Ed.2d 794 (1983)). As such, "the government may restrict access to limited *803 public fora by content-neutral conditions for the time, place, and manner

of access, all of which must be narrowly tailored to serve a significant government interest.” *Id.* (citing *Perry*, 460 U.S. at 45–46, 103 S.Ct. 948). *Id.* At 802, 803; and

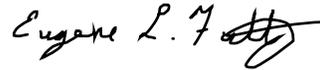
WHEREAS, the City Commission has determined it is appropriate to restrict public access to the Communications and Petitions portion of its meetings by content neutral conditions for time, place, and manner of access to be narrowly tailored to serve a significant government interest.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Lake Wales as follows:

1. The Communications and Petitions portion of a regular or special City Commission meeting shall occur near the beginning of the meeting following the Invocation, Pledge of Allegiance, Call to Order, Roll Call, Proclamations and Awards (if any) and Presentations or Reports (if any).
2. Speakers are limited to 5 minutes for public comment. The limitation may be extended at the pleasure of the Mayor or by majority vote of the City Commission to allow for an extension for the speaker.
3. Speakers are limited to the City’s citizens, taxpayers or those which receive utility services from the City concerning those services. Speakers must identify themselves as being among these categories of individuals entitled to be heard by the governing body.
4. The City Commission solicits and welcomes comments from members of the public entitled to speak when the comments address subject matter that is within the Commission’s scope of authority and may be of assistance in carrying out the Commission’s responsibilities for the benefit of the City and its citizens, taxpayers or those which receive utility services from the City concerning those services.
5. The City Commission solicits and welcomes comments from its citizens and taxpayers that would be of assistance concerning any agenda item being considered for approval. These comments must be limited to the subject matter of the agenda item being considered.
6. The Mayor or Deputy Mayor as presiding officer may regulate irrelevant debate or disruptive behavior which might cause the meeting to drag on interminably or deny others the right to be heard on the relevant subject matter.
7. The City’s other Boards, Commissions and Committees may separately designate the period for Communications and Petitions at their meetings.

THIS RESOLUTION shall take effect upon its adoption.

APPROVED and ADOPTED by the City Commission of the City of Lake Wales, Polk County, Florida, this 17th day of November, 2020.



Eugene Fultz, Mayor

Attest:

Jennifer Nanek, CMC, City Clerk