MEETING RULES AND ORDER

CITY OF WEST MELBOURNE

Adopted: June 10, 2008

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SECTION 1
SCOPE

1.1 SCOPE

These rules shall establish the procedures for the conduct of all meetings of the City Council of the City of West Melbourne. The purpose of these rules is to establish procedures which will be convenient for the public, be fair to all members of the city council and contribute to orderly conduct of city business. For any items not addressed in these rules, the ruling of the Chair shall govern unless overruled by a majority of the Council.

SECTION 2
PRESIDING OFFICER

2.1 DEFINITION

A. The presiding officer at the council meeting shall be the mayor or in his/her absence, the deputy mayor, and in his/her absence, the councilmember in attendance at the meeting with the longest continuous tenure on council.

1. In the event of equal tenure with the senior councilmembers, the individual having received the most votes in the municipal election is the senior member.

B. If the meeting is being chaired by a councilmember other than the highest ranking presiding officer of the council, upon the arrival of a higher ranking presiding officer, the officer shall immediately relinquish the chair upon the conclusion of the business at hand.

2.2 DESIGNATED DUTIES

The presiding officer shall be well-versed in these rules and shall also preserve order and decorum at all council meetings. He/she shall maintain control of the meeting and keep it focused. The presiding officer shall restate every motion and place it before the council, announce the result, announce the decisions of the council on all subjects, and decide all questions of order.

2.3 CALL TO ORDER

The presiding officer shall take the chair precisely at the hour appointed for the meeting and shall call the council to order.

2.4 RECESS DURING MEETINGS

The presiding officer has the power to call for a recess. Recesses requested by any other councilmembers require a majority vote of council.

SECTION 3
ROLL CALL

3.1 ROLL CALL

As the first order of business, the clerk on duty shall take the attendance roll of the councilmembers and appropriate city staff.

3.2 QUORUM

A. A majority of all members serving on the city council shall constitute a quorum at any meeting of the council.

B. In the absence of a quorum, two or more members may adjourn any regular, special, or workshop meeting to a later date.

3.3 TARDINESS

If a councilmember arrives after a meeting has convened, the tardiness will be reflected in the minutes under Roll Call, next to the councilmember's name. The arrival of the councilmember will be indicated in the appropriate section of the minutes. If a vote is taken prior to the councilmember's arrival, the member's name will not appear in the vote in the minutes.

3.4 ABSENTEEISM

A. Absence from three (3) consecutive regular meetings of the council, without being excused by the council, shall vacate the seat of the member. The city clerk shall notify the council of the third consecutive absence of any councilmember.

B. When a council member leaves a meeting and does not return, the member needs only to inform the presiding officer that he/she will not return to the meeting. The presiding officer will inform the council and public of same.

3.5 ATTENDANCE BY COMMUNICATIONS TECHNOLOGY MEDIA

A. Councilmembers, due to a physical disability or illness or who may be out of town, state, or the country, and unable to attend a scheduled council meeting, may participate and vote in a council meeting by the use of communications media technology, that is currently utilized by the city, provided a quorum is physically present at the meeting. The absent member may not be counted for purposes of constituting a quorum.

B. The communications media utilized must enable the absent member to participate in the discussions, to be heard and/or seen by the other councilmembers and the public, and to hear discussions taking place during the meeting. (AGO 92-44 and 94-55).

SECTION 3 – ROLL CALL

C. The city shall incur the cost for the use of communication media technology in an amount not to exceed One Hundred Dollars ($100.00) per meeting. Costs exceeding the maximum amount shall be borne by the absent councilmember.

SECTION 4
DECORUM

4.1 ORDER AND DECORUM

The presiding officer shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the presiding officer to ensure that the rules of operation and decorum contained herein are observed. The presiding officer shall maintain control of communication between the councilmembers and between the council, staff and public. The city council and members of staff shall work to preserve appropriate order and decorum during all meetings.

4.2 COURTESY

All members of the council shall accord the utmost courtesy to each other, to city employees, and to public members appearing before the council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Councilmembers shall confine their remarks to the issues before the council.

4.3 COMMUNICATION BY COUNCIL MEMBERS

A. Councilmembers should request the floor from the presiding officer before speaking.

B. When one member of the council has the floor and is speaking, other councilmembers shall not interrupt or otherwise disturb the speaker.

4.4 ADDRESSING CITY STAFF

Every councilmember desiring to question the city staff shall address the question to the city manager. The city manager shall be entitled either to answer the inquiries him/herself, designate some member of the city staff for that purpose, or request that the question be discussed at a later date.

4.5 COMMUNICATION WITH MEMBERS OF THE PUBLIC ADDRESSING COUNCIL

A. The presiding officer shall open the floor for public testimony as appropriate.

B. Councilmembers may question a person addressing the council at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions should be directed to the person through the presiding officer, unless the presiding officer grants the councilmember permission to directly question the person.

C. Staff members, through the city manager, shall be a resource to the city council to answer questions arising during discussion between councilmembers and members of the public. Communications in this regard shall be through the presiding officer.

D. Members of the public shall direct their questions and comments through the presiding officer.

4.6 CITY STAFF ADDRESSING CITY COUNCIL

A. Members of the city staff and employees of the city shall observe the same rules of procedures and decorum applicable to members of the council. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned, the city manager also shall be responsible for the orderly conduct and decorum of all city employees under his/her direction and control. The city manager shall take such disciplinary action as may be necessary to ensure that such decorum is preserved at all times by city employees at council meetings.

1. Any staff member requesting to address the council shall be recognized through the city manager, who in turn shall be recognized by the presiding officer, and shall approach the lectern, if requested, stating his/her name for the record, limiting his/her remarks to the matter under discussion.

2. All remarks and questions shall be addressed to the council as a whole and not to any individual member thereof.

3. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

4.7 INTERRUPTION OF MEETING

Persons demonstrating disruptive behavior at meetings or violating established rules of order will be called to order by the presiding officer. If such conduct continues, the presiding officer may call a recess, request the removal of such person(s) from the council chambers upon a finding of "disorder", adjourn the meeting if determined to be the appropriate action, or take such other appropriate action as permitted by law.

4.8 DEFINING DISORDER AND DISRUPTION

A. A speaker who is disorderly at a meeting may be removed upon a finding by the presiding officer that such disorder causes a "disruption". Disorder at public meetings usually takes one of three forms:

1. Refusal to confine the speech to the subject matter being addressed.

2. Refusal to conform to time limits on speaking:

   a. Courts have held that a valid removal order for time limit or subject limit violations should include advising the speaker of available, alternative methods of presenting his/her views, such as:

      1) leaving a written transcript of the speech for the record;
      2) mailing the speech to each member of the council; and/or
      3) appearing at future meetings to discuss the subject.

3. The speaker's demeanor and conduct during the meeting.

B. Disruption includes any conduct that significantly violates generally or specifically established rules of order and truly disrupts the meeting. Examples are:

1. Violent or tumultuous conduct threatening the safety of another.

2. Conduct creating danger to another's property.

3. Provoking or engaging in a fight.

4. Use of words that may threaten or outrage others.

5. Not speaking on the subject matter being addressed and refusing to do so when requested by the presiding officer.

6. Using obscene, profane, or vulgar language.

C. A speaker may not be removed merely because the content of the speech is not politically pleasing or acceptable.

4.9 ENFORCEMENT OF ORDER

Any councilmember may request the presiding officer to enforce the rules of decorum upon a motion and majority vote by council.

SECTION 4 – DECORUM

4.10 SERGEANT-AT-ARMS

Members of the police department shall be sergeant-at-arms of the council meetings and shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting.

4.11 REMOVAL FROM MEETING

Upon the instructions of the presiding officer, it shall be the duty of the sergeant-at-arms to escort and/or remove any person from the room who disrupts the meeting. The sergeant-at-arms should attempt to calm the person and explain the law on trespass and Section 871.01, Florida Statutes, Disturbing Schools and Religious and Other Assemblies. If the individual refuses or resists removal, he/she may be placed under arrest.

4.12 RE-ENTRY TO MEETING

The length of time a removed offender must remain outside a meeting, or whether he/she may reenter during the same meeting shall be decided by a majority vote of the city council.

SECTION 5
ORDER OF BUSINESS [1]

5.1 ORDER OF BUSINESS

A. The business of the city council shall be taken up for consideration and disposition in substantially the following order:

1. **Call to Order**

   The presiding officer calls the meeting to order at the designated time.

2. **Pledge of Allegiance and Moment of Silent Meditation**

3. **Roll Call of City Council**

4. **Recognitions, Resolutions and Proclamations**

   Organizations, individuals, and groups are recognized through proclamations or certificates.

5. **Additions, Deletions or Changes to the Agenda**

6. **Adoption of Minutes**

7. **Public Hearings**

8. **Public Forum**

   Speaker's card to be completed and submitted to clerk on duty. There will be no response to the speaker by council or city staff. Councilmembers desiring to address a comment will do so under paragraph 13 of this section.

9. **Presentations/Reports to City Council**

   Presentations are scheduled by individuals or businesses to inform council of issues, projects, etc., and provide an opportunity for discussion by city council. No more than two (2) presentations shall normally be scheduled for any given council meeting.

   The council shall not take formal action upon issues or matters presented under presentations at the same meeting. If formal action is desired, such

[1] The City Council Agenda Format which is attached as Appendix II to these rules shall become effective September 1, 2008 which format will supercede the following Order of Business.

matters shall be deferred and scheduled for a subsequent or future council meeting for consideration. Council may, however, by a majority vote, act on items they deem necessary and appropriate. Items not requiring council action shall be directed to the city manager for consideration and further action.

10. **City Council – Action Items (Consent Agenda**

Items listed under the Consent Agenda are considered and adopted by City Council on one motion. If discussion on a Consent Agenda item is desired by an individual councilmember, that item will be removed from the Consent Agenda, and will be considered in the order that it appears on the Agenda.

11. **City Council – Action Items (Non-Consent)**

12. **Management Report – Status**

Management may give monthly updates on activities and ongoing projects and programs. These are non-action items.

13. **City Council Reports**

Councilmembers may give updates on activities of individual members of the council or respond to comments of the public forum in paragraph 8 of this Section. These are non-action items.

14. **City Manager Report**

The city manager may provide updates on current city activities, reports on issues raised at previous council meetings or special recognitions. These are non-action items.

15. **City Attorney Report**

The city attorney may provide updates on current litigation.

16. **Police Chief Report**

17. **City Clerk Report**

18. **Other Department Director Reports**

SECTION 5 – ORDER OF BUSINESS

19. **Additional Public Forum**

20. **Adjourn**

B. The city council may modify the order of business, and add or delete agenda headings, upon a majority vote of council.

SECTION 6
AGENDAS

6.1 PREPARATION

The city manager and city clerk shall prepare agendas for all formal and informal meetings.

6.2 POSTING OF NOTICE AND AGENDA

A. Posting of Notice and Agenda. For every regular or special meeting, the city clerk or other authorized person, shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. The notice and agenda may be combined in a single document.

B. Location of Posting. The notice and agenda shall be posted in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted material.

C. Posting for Regular Council Meetings. For any regular council meeting of the city council, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting.

D. Posting for Special Council Meetings. For any special meetings of the city council, the notice and agenda shall be posted and provided to councilmembers, no later than forty-eight (48) hours prior to the time for the meeting. Special meetings, limited to the subjects specified in the call, may be convened by the mayor and any two (2) council members. The city council shall prescribe the means of serving or furnishing notice to its members. The first order of business shall be the determination by a vote of four (4) members of the council that a special meeting is justified. *(Charter, Article III, Section 12).*

6.3 SUBMISSION OF ITEMS

All reports, communications, ordinances, resolutions, contract documents or other matters to be considered at a Council meeting must be delivered to the city manager within the time frame determined by him/her. The office of the city clerk shall arrange an agenda packet, with all attachments, that will be submitted to the council, by Thursday, the week before the meeting.

6.4 PLACING AN ITEM ON THE AGENDA FOR ACTION BY COUNCILMEMBERS

A. Any councilmember may request an item be placed on a future agenda:

1. During a meeting.

2. Advising the city manager or city clerk of the item during the preparation of the agenda.

6.5 PLACING AN ITEM ON THE AGENDA (THE PUBLIC)

A. A member of the public may request an item be placed on a future agenda:

1. During public comments at a meeting and upon consensus of council.

2. Contacting a councilmember who in turn requests through the city manager or city clerk that the item be placed on the agenda during the preparation process of the agenda.

6.6 AGENDA CONTENTS

A. Description of Matters. All items of business to be discussed at a meeting of the city council shall be briefly described in the agenda. The description should set forth as clearly as practical a description of the item and the proposed action to be considered so that members of the public will know the nature of the action under review and consideration.

B. Availability of the Agenda to the Public. The agenda for any regular or special meeting shall be made available to the general public as soon as it is practical after delivery to the councilmembers.

C. Limitation to Act on Only Items on the Agenda. No action shall be taken by the councilmembers on any item not on the posted agenda, subject only to the exceptions listed below:

1. Upon a majority determination that an “emergency situation” (as defined by State Law) exists; or

2. Upon a determination by a majority vote of the city council that there is a need to take immediate action and that the need to take the action came to the attention of the city officials subsequent to posting of the agenda.

6.7 MODIFICATION OF AGENDA

A. The city council, by a majority vote or general consent of its members, may modify the agenda at a meeting by:

1. Adding an additional item per the request of a councilmember or the city manager.

2. Proposing the rearranging of agenda items.

3. Removing an agenda item per the request of a councilmember or the city manager.

6.8 DISTRIBUTION

The agenda shall be provided to the news media and posted on the city hall bulletin board. The agenda will also be placed on the Internet. A reasonable number of extra copies of the agenda will be available for the public.

Agendas will be mailed to individuals who provide the office of the city clerk with an adequate number of self-addressed stamped envelopes.

SECTION 7
CONSENT AGENDA

7.1 PURPOSE

The use of the consent agenda is a tool for shortening the time spent on unnecessary discussion and the number of motions made at a council meeting. The consent agenda items are considered as one item of business and is an agenda heading. It contains routine items which are not considered controversial in nature and which do not need further discussion. The items on the consent agenda will usually be ones which the city council is familiar with or self-explanatory enough to the point that no discussion is needed. The consent agenda, therefore, is a list of items which can be acted upon officially by the city council, without discussion, by means of a single motion and vote. A motion is made and seconded that the consent agenda be approved as submitted.

7.2 IDENTIFICATION OF CONSENT ITEMS ON AGENDA

An item under consent agenda is indicated by an asterisk located to the left of the item number and is scheduled as a regular item of business under its appropriate heading. The presiding officer will read aloud each of the items to be considered as part of the consent agenda before entertaining a motion for approval.

7.3 REMOVAL OF AGENDA ITEMS FROM CONSENT

A. Items may be removed from consent agenda and considered during the regular agenda per a councilmember's request. If an item needs discussing, it is removed from the consent agenda at that time by the councilmember requesting same and discussed and acted upon separately in its normal sequence on the regular agenda.

B. The council may remove an item upon the request of a member of the public if there is a majority consensus of council to do so. If approved, the item will be considered in its normal sequence on the agenda.

7.4 MINOR QUESTIONS

A councilmember may ask questions on any item without it being pulled from the consent agenda when clarification is sought that will not involve extended discussion. The question will be addressed prior to the motion for adopting the consent agenda. Councilmembers are encouraged to seek clarification prior to the meeting, if at all possible.

7.5 PUBLIC HEARINGS EXCLUDED

Items for "Public Hearings" are not considered under the consent agenda as they are open to public comment and discussion.

7.6 DETERMINATION OF CONSENT ITEMS

The city manager and the city clerk shall determine the items to be placed on the consent agenda.

7.7 IDENTIFICATION OF CONSENT ITEMS IN MINUTES

In the minutes, the items considered under the consent agenda will have asterisks to the side of them and the motion made on the consent agenda items will be recorded only once and in full under the consent agenda heading.

SECTION 8
PUBLIC COMMENTS

8.1 PURPOSE

These procedures are established to provide an orderly method for the city council to receive comments from the public on specific agenda items and general matters at public meetings. Public presentations to the city council shall be in accordance with the following rules and guidelines, which shall be enforced by the presiding officer.

8.2 PUBLIC COMMENTS

A. Public Hearing Items

1. Individuals addressing "Public Hearing" items do not have to ask for nor complete a 'Public Comment' card for time to address the city council prior to the meeting.

2. Individuals present to address specific agenda items listed under "Public Hearings" will address the city council, using the guidelines established for same, at the time the item is considered by the city council.

3. The presiding officer will read the agenda item being considered, open the public hearing, and ask for public comments "for" or "against" the item. Individuals wishing to address council will raise their hands at the appropriate time and the presiding officer will call upon the individuals to approach the lectern.

4. The city council may recall an individual to provide additional information or to answer questions.

5. The speaker shall be limited to three (3) minutes time. Any unused time by a speaker may not be donated to another speaker.

B. Agenda Items Listed Under Consent Agenda

1. The city council will determine if an agenda item listed under consent agenda will be removed and opened for discussion if an individual submits a public comment card to address same.

2. The presiding officer may allow a speaker who has completed a public comment card on an agenda item under consent agenda to address the city council prior to action being taken on the consent agenda. If the city council indicates that it has no discussion on the item after the speaker addresses the council, it will remain on the consent agenda.

3. The speaker shall be limited to three (3) minutes.

4. The city council may recall an individual to provide additional information or to answer questions.

C. Public Forum After Public Hearings

1. Individuals who wish to address items not specifically listed on the agenda will be given the opportunity to address the city council under the agenda heading of “Public Forum” after the heading of “Public Hearings”.

2. Individuals may request to speak by completing a “Public Comment” card at the meeting, and submitting it to the clerk.

3. The speaker shall be limited to three (3) minutes. Time may not be donated to another speaker.

4. The City Council may respond to selected comments under the heading of “City Council Reports”.

D. Additional Public Forum

1. Individuals who wish to address items not specifically listed on the agenda will be given the opportunity to address the city council under the agenda heading of “Additional Public Forum" at the end of the meeting.

2. Individuals wishing to speak at the end of the meeting need only to raise their hands when the presiding officer opens the “Additional Public Forum” section. The presiding officer will call upon the individuals to approach the lectern.

3. The speaker shall be limited to three (3) minutes. Time may not be donated to another speaker.

4. The City Council may recall an individual to provide additional information or to answer questions.

E. Addressing the City Council

1. Individuals shall come to the lectern and clearly state their name and address for the record.

2. All comments shall be addressed to the council as a body and not to any individual member thereof.

3. All questions directed to the city council shall be addressed through the presiding officer.

4. Groups are encouraged to select a representative to conserve time and avoid repetition. No person will be denied the privilege of speaking as long as he/she meets the above requirements.

5. The presiding officer, by virtue of the office, may implement other rules of procedures to assure fair hearing to all who are present as speakers and members of the audience.

8.3 ADDRESSING PUBLIC COMMENTS

The city council may address the comments from the public as stated above. There shall be no input or additional remarks from the audience while council is addressing comments. The council may recall an individual to the lectern to provide additional information or to answer questions.

8.4 ACTION ON ITEMS

The council shall not take formal action upon issues or matters presented by the citizenry under public comments at the same meeting. If formal action is required, the item will be scheduled for the next regular council meeting for consideration. Items not requiring council action shall be directed to the city manager for consideration and further action. Council may, by a majority vote, act on items that are declared by council to constitute an emergency.

8.5 WORKSHOPS AND SPECIAL MEETINGS

Public comments are not scheduled as an agenda heading for workshops and special meetings. The city council shall make such a determination at the beginning of the special meeting or workshop as to whether public comments will be allowed. A decision to allow public comments shall be approved by a majority vote, or in the case of a workshop, by a consensus of the city council.

SECTION 9
MOTIONS

9.1 PRESIDING OFFICER; RIGHTS AND PRIVILEGES

The presiding officer may discuss and vote on matters being considered by council. The presiding officer may make motions and discuss issues from the chair. When doing so, he/she shall relinquish the chair to the deputy mayor or the next councilmember in line until a vote is taken on the matter. The presiding officer may second a motion without relinquishing the chair; he/she may not be deprived of any of the rights and privileges of any other councilmember by reason of holding such position.

9.2 RECOGNITION BY PRESIDING OFFICER

Councilmembers desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine themselves to the subject matter under discussion.

9.3 INTRODUCTION OF MOTION.

A. Business to be acted upon is brought before council by motion in the affirmative only. A motion may also follow the presentation of a report or communication.

B. There can be only one main motion on the floor at a time; it requires a second. A main motion is debatable and all discussion must be germane to the motion.

C. Main motions shall be stated clearly and concisely utilizing language that reflects the exact intent and action being sought by the councilmember, whether in the positive or negative. A long or complicated motion must be submitted in writing.

D. To make a motion, a councilmember must be recognized by the presiding officer. The maker will have the right to speak first in the discussion.

9.4 SECOND TO A MOTION

A. The purpose of a second to a motion is to place the motion before the council for discussion and action. A second merely implies that the seconder agrees that the motion should come before the meeting and not that he/she necessarily favors the motion.

B. The requirement of a second is for the presiding officer's guidance as to whether the motion should be placed before the council for consideration. The purpose of a second is to prevent time from being consumed by the council having to consider a motion that only one person desires to see introduced.

C. A motion that fails to obtain a second dies.

D. A seconder cannot prohibit the maker from withdrawing a motion by refusing to withdraw the second.

9.5 STATING THE MOTION

A. Neither the making nor the seconding of a motion places it before the city council; only the presiding officer can place the motion before council for discussion. The presiding officer may change the wording in order to make it easier to understand provided the meaning is not changed. When the presiding officer has placed the motion before council, the motion is pending and open to discussion.

B. All discussion must deal only and specifically with the subject of the motion. When the remarks of a councilmember begin to stray from the topic at hand, it is the duty of the presiding officer to interrupt the speaker and insist that discussion be to the point. When discussion has been exhausted, the presiding officer puts the issue to a vote.

C. After the vote, the presiding officer announces whether the motion carries or fails. If a councilmember disputes the result as announced or the presiding officer is unable to determine the vote, the presiding officer shall ask for a roll call vote to make certain of the decision.

9.6 DISCUSSION PRIOR TO A MOTION

There shall be no discussion on any issue prior to the presiding officer placing a motion before council for consideration.

9.7 PRIVILEGE OF BEGINNING AND CLOSING DISCUSSION

The councilmember making a motion shall have the privilege of speaking first and last, if so desired, to the motion under discussion.

9.8 LIMITATION ON DISCUSSION

No councilmember shall speak more than once on a subject or a motion until every other councilmember has had the opportunity to speak. Council members shall refrain from speaking more than twice on the same subject at the same meeting.

9.9 (Reserved)

9.10 INTERRUPTIONS

A councilmember, once recognized by the presiding officer, shall not be interrupted when speaking unless the presiding officer or another councilmember calls a point of order, or unless the speaker chooses to yield to questions for another member. If councilmembers, while speaking, are called to order, they shall cease speaking until the issue regarding order is determined, and if in order, they shall be permitted to proceed.

9.11 POINT OF ORDER

A. When a councilmember questions a procedure or notices a violation of the rules that she/he considers will do harm if allowed to pass, the member can make a point of order without waiting for recognition from the presiding officer and may interrupt another member speaking. This action calls the attention of the presiding officer to the procedure being questioned or the violation of a rule when the presiding officer fails to notice it or neglects to call it.

B. A point of order must be raised when the breach occurs. After any discussion or business has intervened, it is too late. Points of order should not be raised on minor irregularities of a purely technical character.

C. The point of order interrupts business. The presiding officer either rules that the point of order is well taken and orders the mistake, omission, or violation to be corrected, or rules that the point of order is not well taken and resumes business at the point where it was interrupted.

9.12 APPEAL ON RULING OF POINT OF ORDER

A. Councilmembers have no right to criticize a ruling of the presiding officer on a point of order unless they appeal the decision. An appeal is by motion, which allows two members who disagree with a ruling to submit it to the entire council for a decision. An appeal requires a motion and its purpose is to reverse the ruling of the presiding officer. This motion requires a second and is immediately open for discussion. The appeal must be made immediately after the ruling has occurred.

B. Upon an appeal, the presiding officer must state the reason for the decision. Councilmembers may speak only once. When councilmembers are through with discussion, the presiding officer may speak a second time.

C. A majority of the council may reverse or modify the presiding officer's decision. A motion to appeal is lost or fails with a tie vote and sustains the decision of the presiding officer.

9.13 WITHDRAWAL OF MOTION

A. A councilmember may withdraw his/her motion at any time before it is put to a vote. When a motion is withdrawn, it is no longer under consideration. The second need not be withdrawn as the withdrawal of the motion makes the second moot.

B. A seconder cannot prohibit the maker from withdrawing the motion by refusing to withdraw the second.

9.14 MOTION TO RECONSIDER

The reconsideration of issues previously-acted upon is discouraged, but any member of council may make a motion to reconsider any action taken by the council during the meeting at which such action was taken. A matter may be reconsidered by the City Council if a member on the prevailing side of the vote requests reconsideration. Such a motion may be made at a meeting where such action is taken or at a subsequent meeting of the Council**.**

9.15 SECONDARY MOTIONS

A. When any main motion is upon the floor and the subject matter is under discussion, no motion shall be received except the following, which must also have a second, and such motions shall have precedence in the following order, to-wit:

1. Discussion can take place on the motion:

   a. To amend the main motion
   b. To appeal the ruling on a point of order.

2. Discussion cannot take place on the motion:

   a. To table, postpone, continue, defer, extend, delay
   b. To call the question.

B. A secondary motion is a procedural motion that is considered before a vote on a main motion. When a secondary motion is made, it becomes the immediately-pending motion, while the main motion remains pending.

9.16 AMENDMENT TO MOTION

A. When a main motion is made, it can be amended. Councilmembers can make as many amendments as they like until the main motion accurately reflects the will of the majority. Only one amendment at a time to the main motion shall be entertained. There shall be no amendments to amendments to the main motion.

B. To present an amendment to a motion, a councilmember must first be recognized by the presiding officer. An amendment must be moved and seconded. Amendments must be specifically worded. The presiding officer shall restate the motion to amend and also read how the main motion will change if the amendment is passed. Discussion can only take place on the amendment. Once discussion has been exhausted, the presiding officer shall call for a vote on the amendment.

C. If an amendment is approved, prior to the vote being taken on the main motion, the councilmember who seconded the main motion has the right to withdraw the second if he/she does not agree with the main motion as amended. If the second is withdrawn, the presiding officer shall ask for another second to the motion. If the maker withdraws the main motion, the main motion is moot.

9.17 RECESS DURING MEETINGS

A. A recess is a short intermission within a meeting which does not destroy its continuity as a single gathering, and after which proceedings are immediately resumed at the point at which the meeting was interrupted.

B. The presiding officer has the power to call for a recess. Recesses requested by other council members require a majority vote of council. The presiding officer will announce the amount of time allotted for the recess.

9.18 MOTION TO TABLE

A. ‘Table’ shall mean the resetting or rescheduling of an item or issue placed on an agenda for consideration by the city council which includes, but is not limited to, extensions, continuances, delays, deferrals, and postponements.

B. Motions shall not be tabled; only items or issues can be tabled.

C. The time frame in which a tabled issue or item will be considered or reconsidered shall be determined by the city council, except when provided by city code. The council shall determine when the issue or item will be next-considered, the extent of discussion to be permitted, and where the item or issue will be placed on the agenda. An item or issue shall not be tabled indefinitely.

9.19 CALL THE QUESTION

If a councilmember desires to close the discussion on a pending motion so that it will come to an immediate vote, he/she can 'call the question'. Because it takes away the right of councilmembers to continue discussion, it requires a motion, a second, and a majority vote. There is no discussion on this motion. In making the motion, the maker cannot interrupt a speaker.

9.20 ADJOURNMENT

A. Adjournment is announced by the presiding officer asking if there is any further business. If there is none and there are no objections, the presiding officer adjourns the meeting. Councilmembers agree to the adjournment by silent consent.

B. If an objection is offered by a councilmember, a motion, second, and a majority vote of council is required to adjourn.

9.21 CONSENSUS

A. In cases where there seems to be no opposition in routine business or on subject matters of little importance, time can be saved by the procedure of general consent. Such action is in accord with the principle that rules are designed for the protection of the minority and generally need not be strictly enforced when there is no minority to protect.

B. General consent may be used to take action without the formality of a motion.

C. If there is an objection, the presiding officer must consider the subject matter in the regular manner.

9.22 FAILURE TO OBTAIN A MOTION

Failure to obtain a motion by the city council to act upon an issue or item being considered, which requires council action to dispose of same, shall be considered a denial or rejection of the item or issue.

SECTION 10
VOTING

10.1 QUORUM

The presence of four (4) councilmembers at a meeting shall constitute a quorum for the transaction of business, however, a smaller number may adjourn from time to time and may require the attendance of absent members in such manner and under such penalties as the city council may prescribe. (*Charter, Article III, Section 13*).

10.2 MAJORITY

A. Four (4) councilmembers present at a meeting shall constitute a majority. (*Charter, Article III, Section 13*).

B. No action of the council, except as otherwise provided by law and/or except raising a quorum, shall be valid or binding unless adopted by the affirmative vote of at least four (4) members of the council.

C. A super majority is one (1) more than half the number of members on council. Thus, a seven-member council requires four (4) votes, which votes must all be in the affirmative or negative.

10.3 VOTING REQUIREMENTS AND CONFLICTS

A. The sections of the Florida Statutes pertaining to voting requirements and conflicts are summarized as follows:

1. Florida Statutes, Chapter 286.012, Voting Requirement

   Each councilmember present at a meeting is required to vote on official matters and a vote recorded in the minutes for each, unless there is a conflict of interest.

2. Florida Statutes, Chapter 112.3143(3)(a), Voting Conflicts

   No councilmember shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which he/she knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary of a corporate principal by which he or she is retained, of a relative, or of a business associate. Councilmembers are required to abstain from voting and must publicly announce the nature of their interests before the vote. A memorandum of voting conflict must be filed with the city clerk within 15 days after the vote occurs, disclosing the

nature of their interests in the matters. The city clerk will provide the form to the councilmember after the vote is taken.

10.4 EFFECT ON QUORUM DUE TO ABSTENTION FROM VOTING

When a councilmember is required to abstain from voting, the councilmember is disqualified from voting and may not be counted for purposes of determining a quorum (AGO 85-40).

10.5 VOTES TO BE STATED 'AYE'

A. In putting a motion to a vote, the presiding officer shall first call for the positive vote, and all who wish to vote in favor of the motion to indicate by saying "aye"; the presiding officer then calls for the negative vote and those who wish to vote against the motion to indicate by saying "aye". The presiding officer must always call for the negative vote, no matter, how nearly unanimous the positive vote may appear. When there is any possibility of confusion, the presiding officer, before calling for the vote, should make sure that the members understand the effect of a positive vote and of a negative vote.

B. The votes shall be reflected in the minutes as "yea" for a positive vote and "nay" for a negative vote.

10.6 SILENCE CONSTITUTES POSITIVE VOTE

Silence by a member of the council during the taking of a vote shall be recorded as a positive vote.

10.7 CHANGE OF VOTE

When the presiding officer calls for a vote, councilmembers shall not be permitted to change their votes as recorded.

10.8 ROLL CALL VOTE

A roll call vote shall be taken upon the request of any councilmember. The names of councilmembers shall be called in the following order: the maker of the motion, the seconder of the motion, councilmembers in order of tenure on council, presiding officer. The order for councilmembers with the same tenure shall be determined by the highest to the lowest vote getter. The name to be called first shall be advanced one position in each successive roll call vote for that meeting, except that the presiding officer shall always be called last.

10.9 SECRET BALLOTS; VOTING SHEETS

The sunshine law prohibits voting by secret ballot. However, "vote sheets" may be used to record councilmembers' votes, provided the vote sheet is made available for public inspection. For example, council when voting to fill vacancies on boards may utilize this method. The voting sheet contains each councilmember's name and vote. The votes are tabulated and the results announced by the presiding officer, followed by a motion to conclude the process. The written votes are retained by the office of the city clerk for inspection by the public. (AGO 73-344).

10.10 VOTING BY PROXY

Proxy voting is prohibited by state law.

10.11 ABSENCE OF COUNCILMEMBER DURING A VOTE

When a councilmember leaves the room to attend to other matters and council takes a vote, the member cannot vote on the subject matter when he/she returns to the room. The councilmember's name will not be reflected in the vote. The minutes will indicate when the member left the room and returned. If the vote has not been taken by the time the councilmember returns to the meeting, the councilmember shall vote. A councilmember is prohibited from leaving the room to avoid voting on a motion.

10.12 CONFLICT OF INTEREST

When a councilmember announces there is a conflict of interest on an issue or item, the member is prohibited from voting on or discussing the measure and must "abstain". Prior to the vote being taken, the councilmember must publicly announce the nature of the conflict of interest in the issue or item from which the member is abstaining.

10.13 VOTE CONSTITUTES

A. **Tie Vote**:

1. A tie vote shall be recorded as a failed or rejected motion.

2. In the event of a tie vote, the city council may, by a majority vote, have an item or issue brought back before council for reconsideration at the next meeting at which a full council is present.

SECTION 11
MINUTES

11.1 PURPOSE

Florida Statutes, Chapter 286, requires that minutes of meetings be taken. Although the statute does not detail what minutes should include, the proper content of minutes is suggested by their purpose. The purpose of minutes is to provide an official record or proof of council actions. Therefore, at a minimum, the minutes should include two sorts of material. First, the actions taken by council should be stated specifically enough to be identifiable and provable. Second, proof of any conditions necessary to action, i.e., a quorum. More may be desired by council but is legally unnecessary.

11.2 ADOPTION

The minutes of previous meeting(s) for adoption shall be listed on the agenda. Such minutes may be approved without reading. Copies of the minutes shall have been distributed to councilmembers prior to the meeting. A motion is required to adopt the minutes.

11.3 REVISIONS

A. Revisions to the minutes may be made by councilmembers at the meeting that the minutes are considered for adoption.

B. Council may revise the minutes, if found to be incorrect, upon the majority vote of council.

11.4 REMARKS BY COUNCILMEMBER WHEN ENTERED INTO MINUTES

A councilmember may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the council entered into the minutes. If the council consents thereto, such statement shall be entered into the minutes.

11.5 VERBATIM TRANSCRIPTS

A. In accordance with Florida Statutes, Chapter 286.0105, individuals deciding to appeal any decision made by the city council are responsible for ensuring that a verbatim record of the proceedings is made.

B. The office of the city clerk is not required to prepare verbatim transcripts or parts of any minutes of city council meetings unless the city council, by a majority vote, directs verbatim transcripts for the audible parts of any minutes it deems necessary and proper for the conduct of the internal affairs of the city.

SECTION 12
AMENDMENTS

12.1 **AMENDMENTS**

A. These Rules and Order may be amended by a majority vote of the entire council at any regular meeting of the Council after having been read at two consecutive regular Council meetings.

B. Any of the foregoing rules may be temporarily suspended for the meeting then in session by a unanimous vote of the members of council then present, unless such waiver is in conflict with the City Charter or state or local law.