

CITY OF MARCO ISLAND



RULES OF PROCEDURE CITY COUNCIL

FLORIDA

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Purposes

The purposes of these Rules of Procedure are to facilitate the transaction of business and promote cooperation and harmony. For situations not covered by these articles, “Roberts Rules of Order” applies.

Section 1. Quorum and Order

(a) Except as otherwise required by law or city code, proceedings shall be governed by these Rules of Procedure. The City Attorney shall act as parliamentarian and render opinions on procedure or matters not described herein.

(b) A majority of Councilors serving constitutes a quorum for the conduct of business at any meeting. The Chair or Vice Chair shall preside. If both are absent, Councilors present shall elect a presiding Councilor. A Councilor present but disqualified from voting on a question by a state law or ordinance due to a conflict of interest shall be counted for purposes of a quorum.

(c) Questions of order shall be decided by the Chair without debate, subject to appeal by Council.

(1) An appeal of the ruling of the Chair shall be made by the statement, “I appeal the decision of the Chair.” An appeal must be seconded and is subject to debate.

(2) The Chair shall then put to a vote the question, “Shall the decision of the Chair be sustained?” A majority or tie vote will sustain the ruling of the Chair.

(d) If a Councilor believes the Rules of Procedure are being violated, that Councilor may interrupt a speaker without being recognized by stating, “Point of order.” No motion is required, nor is debate allowed. The Chair shall ask the Councilor to state the point, and then shall rule. The ruling is subject to appeal. The Chair, if in doubt, may put the question to an immediate vote.

(e) These Rules of Procedure may be suspended for a definite purpose by supermajority vote of all Councilors including those not present. A motion to suspend is not debatable.

Section 2. Agenda

(a) The City Manager and the City Council Chair shall jointly prepare the agenda for City Council meetings.

(b) The agenda format shall include: A call to order, roll call, invocation, pledge of allegiance, approval of the agenda, approval of the minutes, proclamations and presentations (if any), the consent agenda, citizens’ comments on items not on the agenda, quasi-judicial public hearings, ordinances, resolutions and council items, items removed from the consent agenda, council communications & future agenda, council reports, city manager’s report, city attorney’s report, departmental reports, citizens’ comments, adjournment.

(c) The agenda and all supporting documentation shall be made available to each member of the City Council and placed online for the public no later than six (6) calendar days prior to any public Council meeting or workshop, except in case of a Council meeting called for a clear public safety emergency.

(d) The City Clerk shall provide a reasonable number of hard copies of the agenda (not including supporting material) for public review at the meeting.

(e) By majority vote of City Council, agenda items may be added or deleted at the start of a regular Council meeting. Items added shall be limited to emergencies, matters affecting public safety, or time-sensitive items of major significance affecting city operations.

(f) The agenda shall include provisions for Citizens' Comments at a time certain of 6:00 p.m., ending thirty (30) minutes later, with any time extension at the discretion of the Chair, and then again following the regular business of City Council, for matters not included on the agenda. A maximum of four (4) minutes per individual shall be allowed for public comment. Council may allow individuals to cede time to another, in which case the maximum time shall be eight (8) minutes.

(g) The agenda shall include a Council Reports section for presentation of white papers and other reports by City Council. Following the presentation, the Council may refer the issue to the City Manager to be placed on a future agenda for Council action. This section shall not be used to propose or discuss other new business items.

(h) The agenda shall include a Council Communications & Future Agenda section for announcements, comments, referral of issues to the City Manager for action or resolution and for Councilors to request items to be placed on a future agenda.

(1) A Councilor may add a subject matter to be placed on a future agenda.

(2) The Councilor should provide to the City Manager a written description of the subject matter for inclusion in the agenda. The Councilor may also provide a position paper, analysis, memorandum, or summary for inclusion.

(3) Included in this section shall be a City Manager follow-up to cover Council issues brought up at previous Council meetings and other items on which the City Manager's office has been asked to provide an update or gather additional information.

(i) The City Manager shall include a Consent Agenda for items relating to routine, recurring, or non-controversial business of City Council, which Council does not need to discuss individually and which may be voted on as a group. Should a Councilor desire to discuss any item on the Consent Agenda, the Councilor may request the item be removed from the Consent Agenda, and City Council will consider that item of business separate from other items on the Consent Agenda.

Section 3. Meetings.

(a) Regular meetings of City Council shall be held in the Biles Community Room, 51 Bald Eagle Drive, and shall commence at 5:30 p.m. on the first and third Monday in each month unless changed by majority vote of the Councilors present at any regular or special meeting.

(b) A schedule of regular City Council meetings for the ensuing calendar year shall be adopted by motion and published at least once in December of the preceding year in a local newspaper of general circulation.

(c) Special or workshop meetings of Council may take place on the call of the Chair, the City Manager, or a majority of City Council.

(d) All meetings shall be open to the public, except Executive Sessions (closed meetings), limited to those subject matters authorized by Florida Statutes.

(e) Public notice for any City Council meeting shall be posted at least 24 hours in advance at City Hall and at the San Marco Road Fire Rescue station. The 24-hour notice may be waived for an emergency meeting. However, local news media shall be advised of any such emergency meeting, and it shall be publicized on the city's website and distributed citywide by email, Twitter, or similar social media used regularly by the city or any of its departments.

(f) A regular meeting of City Council shall be limited to four (4) hours in duration, unless extended by majority vote. In the event business on the agenda will not be completed within four hours, the Chair may change the order of items to accomplish as much business as possible within the time limitations. Council Communications will be prioritized in the event the Chair changes the order of items. Any business not concluded within the time limitations shall be carried forward to the next regularly scheduled Council meeting.

(g) All City Council meetings and workshops, except emergency meetings and Executive Sessions, shall be televised or streamed live. In case of failure of either or both broadcast methods, City Council shall have the authority to adjourn and carry forward items to the next scheduled meeting. Every effort shall be made to televise, stream live, or record via other methods, emergency meetings. However, broadcasting is not required when a workshop is held off site.

Section 4. Voting.

(a) All actions of Council shall be by majority vote of members present, unless otherwise required. There shall be no voting at workshops.

(b) Every Councilor present, including the Chair, must vote on every question except when required to refrain from voting by state law.

(c) A roll call vote shall be required for an ordinance or a resolution. A roll call vote shall be taken on other items at the request of any Councilor. See Section 8 (c) (4) below regarding the order of voting on a motion.

(d) The vote on every question shall be recorded in the minutes, including in emergency meetings.

Section 5. Minutes.

The City Clerk or designee shall keep written minutes of all public meetings, which shall be a permanent public record, and which shall be presented as an agenda item for approval at a future meeting. Video recordings of meetings shall be made, but will not be considered the official public record.

Section 6. Public Hearings.

The purpose of Public Hearings is to receive input from citizens regarding matters before City Council. Public Hearings are held for ordinances, variances, conditional uses, budgets, utility rate changes, and as otherwise determined by City Council. Petitioners for land use changes, or their representative, will be granted time to present their petition as determined by the Chair. To ensure that Council fully understands the citizens' viewpoints, City Council shall allow a maximum of four (4) minutes per individual for public comment. Council may allow individuals to cede time to another in which case the maximum time shall be eight (8) minutes.

(a) The matter is introduced by the Chair with ordinances read into the record by title only. The matter may be summarized as appropriate.

(b) A City Councilor may introduce a motion, followed by discussion.

(c) Following either subsection (a) or (b), the Chair will open the Public Hearing. Speaker registration forms will be used to determine the order of speaking for citizens who complete the forms. It is not a requirement that speaker registration forms be completed. Citizens wishing to speak will be recognized by the Chair simply by approaching the dais, following those citizens who have completed a speaker registration form.

(d) When the Public Hearing is complete, the Chair will close the public discussion.

(e) City Council may either amend a prior motion or introduce other appropriate motions followed by discussion, or discuss the issue, followed by a motion and subsequent discussion on the motion.

Section 7. Conduct of Meetings.

(a) The Chair shall:

(1) Conduct the meeting firmly and courteously while maintaining order at all times.

(2) Ensure that a Councilor is recognized before speaking and permit only one person to speak at a time.

(3) Allow persons not on Council to speak only at designated times and may limit immaterial or redundant presentations or requests. Apply time limits uniformly.

(4) Reject frivolous motions and motions not permitted by the Rules of Procedure. Require motions to be stated affirmatively and to the point.

(5) Allow the maker of the motion to speak first. Restate the motion only if necessary. The City Clerk or designee may also restate the motion upon request by a Councilor.

(6) Allow a Councilor additional opportunities to speak on a matter only after all other Councilors have had an opportunity to speak.

(7) Allow interruption of a speaker only by consent of the speaker or for permitted reasons (e.g., “point of order,” “point of information”).

(8) Reject discussion of motions not debatable (e.g., motions to adjourn, recess, or table).

(9) Recognize that all Councilors have equal rights, privileges, and obligations. Remain impartial in the use of authority.

(b) City Councilors shall:

(1) Activate the request-to-speak signal and be recognized by the Chair before speaking. Councilors will be recognized in the order of request-to-speak signals. The Chair may elect to use a less formalized speaker protocol (for example, the free exchange of ideas without request-to-speak signal, using an open microphone) during workshop topics, and a more formalized speaker order, depending on the issue and amount of information to be discussed.

(2) Speak clearly and concisely to avoid any misunderstanding as to intent.

(3) Avoid speaking a second time on a subject until all who wish to speak the first time have done so.

(4) Confine remarks to the subject of the motion, or to state a position, avoiding repetitiveness or remarks involving personalities. Discussion should be intended to add information or to persuade colleagues through debate.

(5) Avoid interrupting a speaker who has the floor without consent, except to present a privileged motion.

(6) Refrain from adding comments or explanations during the voting process. Comments and explanations should be made during discussion before or after the motion. No Councilor shall be obligated to state a position or opinion on matters under discussion.

(7) Act with decorum toward other Councilors, staff, and all citizens. Citizens appearing before Council will be treated with respect and dignity.

(8) Refrain from initiating a discussion with citizens during Citizens' Comments or Public Hearings except to clarify points raised by citizens, and only if the Chair has not already done so. If a Councilor is mentioned by name, the Chair will ask the Councilor if he or she would like to respond. See Section 7 (c) (3) below.

(9) Recognize that the legislative process involves interaction of competing ideas that resolve themselves in a decision by the City Council. That decision may not satisfy all members, but the will of the majority (or supermajority if required) shall prevail. Once a question has been voted on, the decision becomes that of the City, and each member should accept and abide by the results.

(10) Be prepared. While questions and clarification will occur, many questions can be answered with a phone call or visit to City Hall before a meeting. City Council and the public may then focus on the decision-making process at hand in a timely manner.

(c) The public shall:

(1) Be encouraged to address City Council on any matter scheduled on the agenda, according to the procedures outlined in Section 6 above.

(2) Be encouraged to address City Council on any subject matter not scheduled on the agenda during the Citizens' Comments section of the agenda, using the same procedures as outlined in Section 6 above.

(3) Act with decorum toward Councilors, staff, and all other citizens. Be entitled to a respectful and prompt response to matters of concern, even on an individual basis if appropriate. The Chair may ask for a response from the City Manager or staff.

(d) City Council, staff and the public are entitled to a respectful response to their questions.

Section 8. Motions.

(a) The Chair or City Manager will summarize the issue before City Council rather than read the entire staff report, unless otherwise requested by City Council.

(b) Limited discussion may be permitted by the Chair prior to the introduction of a motion. If a motion fails to receive a second, discussion shall end on that motion. City Council may either introduce a motion, followed by discussion, or discuss the issue, followed by a motion and subsequent discussion on the motion.

(c) Motions shall be made in the affirmative (e.g., "I move that...be approved").

(1) Citizens' Comments shall be incorporated in the manner described in Section 6 above.

(2) The Councilor offering the motion will be given the first opportunity to speak to the motion, followed in order by other Councilors wishing to be heard.

(3) Each Councilor shall limit his or her comments to ten (10) minutes with additional five (5) minute time periods if requested, at the discretion of the Chair.

(4) Voting on motions shall be by voice vote or the raising of hands, except that voting on resolutions and ordinances shall be by roll call. A roll call vote on any matter shall be taken at the request of any Councilor. The order of the roll call vote shall begin with the Councilor making the motion, then the Councilor seconding the motion, then the other Councilors in any order determined by the City Clerk or designee, except that the Chair will cast the final vote.

(5) Where feasible and at the discretion of the Chair, the principal sponsor or advocate of an action may be allowed to make the principal motion regarding that action as a matter of courtesy.

(d) All motions, resolutions, and ordinances shall be open to no more than two amendments.

(e) In all cases in which an amendment shall be offered, the motion shall be seconded and is debatable. A vote shall be taken on the amendment. If an amendment is adopted by majority vote, debate may continue on the motion as amended.

(f) A motion to adjourn, to recess, or to table shall always be in order and shall be decided without debate. However, the Chair may rule a motion to adjourn out of order prior to receiving public comments if such comment period is so noted on the agenda.

(g) Any Councilor, having voted with a majority on any question, may move for a reconsideration of the question at that meeting or the succeeding meeting of City Council, but not afterwards for a period of one (1) year. After the one (1) year period, any Councilor, regardless of having voted in either the majority or minority, may move for reconsideration of the question.

(h) If there is a tie vote, the question shall be decided in the negative.

Section 9. Election of Chair and Vice Chair.

(a) The Chair shall call for nominations, which do not require a second. A nominee may decline the nomination. The Chair may exercise the prerogative to nominate. Nominations should continue until there are no further nominations. Discussion may follow each of the nominations and the entirety of nominations.

(b) When no further nominations are forthcoming, the Chair shall close the nominations and call for a vote. The vote shall be in the order of the nominations received.

(c) If there are more than two candidates nominated, it is possible that, following the vote, no candidate will receive a majority of votes. If there are three or more nominees, the nominee receiving the least number of affirmative votes will be dropped from consideration, followed by a second vote on the nominees receiving the most votes.

(d) In the event that neither of the remaining nominees receives a majority vote, or in the event of a tie vote, the Chair shall reopen nominations followed again by a vote in order of nomination.

(e) Following the election of the Chair, the newly elected Chair shall immediately assume the role of Chair and repeat the processes in (a) through (d) above to elect the Vice Chair.

Section 10. Conflict with Charter or Ordinances.

Where these rules may conflict with the City Charter or ordinances adopted by City Council, the Charter or ordinances shall prevail.

