

RESOLUTION NO. 99-4

**A RESOLUTION TO ADOPT CITY
COUNCIL RULES OF PROCEDURE.**

WHEREAS, parliamentary procedures are essential for the conduct of meetings and the transaction of business in a manner that promotes cooperation and harmony; and

WHEREAS, Rules of Procedure will promote the deliberate judgment and debate on policy matters before City Council; and

WHEREAS, it is the intent of City Council to establish its own Rules of Procedure to govern City Council proceedings.

NOW, THEREFORE, BE IT RESOLVED, by City Council in council duly assembled that:

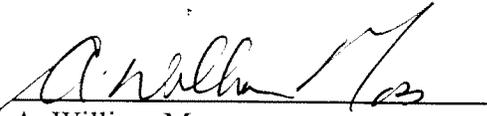
Section 1. Resolution No. 98-6, adopted on January 5, 1998, is hereby repealed.

Section 2. The attached Rules of Procedure are hereby adopted.

Section 3. This Resolution shall take effect on March 1, 1999.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 16th day of February, 1999.

Attest:


A. William Moss
City Manager/City Clerk


David E. Brandt, Chairman

RULES OF PROCEDURE
CITY COUNCIL
CITY OF MARCO ISLAND

Purpose.

The purpose of these Rules of Procedure is to facilitate the transaction of business and promote cooperation and harmony.

Section 1. Rules of Order and Quorum.

(a) Except as otherwise required by law or city code, all proceedings shall be governed by these rules of order. The city attorney shall act as parliamentarian and shall render opinions as to procedure or matters not contained in these rules of order.

(b) A majority of council members serving constitutes a quorum for the conduct of business at any meeting. The chairman or vice-chairman shall preside, except when both are absent, the members present shall 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 shall be counted for purposes of a quorum. Members are required to abide by the ruling of the chair.

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

(1) An appeal to the ruling of the chair shall be made by the statement; "I appeal from the decision of the chair." The appeal must be seconded and is subject to debate.

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

(d) If a member believes the Rules of Procedure is being violated, that member 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 member to state the point and shall rule. The ruling is subject to appeal. If the chair is in doubt, the chair may put the question to a vote.

(e) These Rules may be suspended for a definite purpose by supermajority vote. A motion to suspend is not debatable.

Section 2. Agenda.

(a) The city manager shall be responsible for the preparation of the agenda for meetings of the city council.

(b) All items on the agenda shall be accompanied by supporting documentation. The agenda and supporting information or executive summary shall, whenever possible, be made available to each member of the city council on or before 5:00 p.m. on the Thursday preceding a regular city council meeting, or at least 24 hours in advance of any special called or workshop meeting.

(c) By a majority vote of city council, items may be added to the agenda, or deleted, at the start of a regular council meeting. Items added are to be limited to emergencies, those affecting the public safety, or time-sensitive items of a major significance affecting city operations.

(d) Any member of city council may place items on the agenda. The subject matter shall include a "position paper," memorandum, or executive summary, provided by the council member. Such submittals shall be provided to the city manager by 5:00 p.m. on the preceding Tuesday.

(e) The agenda shall include provisions for public comment following the regular business of city council for subjects not included on the agenda.

- (1) A person desiring to speak shall submit a "Speaker Registration" form prior to the start of the meeting.
- (2) Upon being recognized by the chair, the person shall proceed to the podium and state name and address.
- (3) The chair shall allow the person a period of 4 minutes to present matters of public interest before city council. The chair may waive the time limitation.
- (4) A citizen's question may be answered during this time. However, the general procedure shall be for the chair to direct the city manager to respond to the question within a reasonable time or to meet with the citizen to answer questions or resolve concerns.

(f) The agenda shall include a section for announcements or comments by city council.

(g) The city manager may include a “consent agenda” for items relating to routine, recurring, or non-controversial business of city council.

- (1) The intent of the “consent agenda” is to facilitate the conduct of council’s business in an efficient, timely, and orderly manner.
- (2) Should a council member desire to discuss any item on the consent agenda, the council member should request the item be removed from the consent agenda. Upon removal, city council shall consider that item of business separate from the other items on the “consent agenda.”
- (3) The chair or city manager shall summarize the items on the agenda and read ordinances and resolutions by title only unless otherwise required by law. Following a motion and a second, the consent agenda shall be voted in unison. For consent agendas containing ordinances or resolutions a roll call vote shall be required.

Section 3. Meetings of City Council.

(a) Regular meetings of city council shall be held at 6:00 p.m., on the first and third Monday in each month unless changed by majority vote of the members present at any regular or special meeting. Special meetings relating to land use issues may be scheduled on the second Monday of each month.

(b) A schedule of regular city council meetings for the year shall be adopted by motion and shall be published at least once in a newspaper of general circulation, in December of each year.

(c) Special or workshop meetings of council may be held on the call of the chairman, the city manager, or at the behest of a majority of city council.

(d) All meetings shall be open to the public.

(e) Executive sessions (closed meetings) may be held and shall be limited to those subject matters authorized by Florida Statutes.

(f) A public notice shall be posted at least 24 hours in advance for any city council meeting at city hall and at the fire station on San Marco Road. The 24-hour notice may be waived for an emergency meeting. However, the local news media shall be advised of any such emergency meeting.

(g) A regular meeting of city council shall be limited to three (3) hours in duration. In the event the business on the agenda will not be completed within three hours, the chair may redirect the order of the agenda items in order to accomplish as much business as possible within the time limitations. Any business not concluded within the time limitations shall be carried forward to the next regularly scheduled council meeting. The chair shall ensure that adequate time is reserved for public input prior to adjournment.

Section 4. Voting Requirements.

(a) All actions of council shall be by majority vote of members present at a public meeting. All actions pertaining to zoning, conditional uses, and variances shall be by supermajority vote of members present. (Effective following adoption of “supermajority” ordinance).

(b) Every member of council present, including the chair, shall vote on every question except when required to refrain from voting by state law.

(c) A roll call vote may be required by any member of council.

(d) A roll call vote shall be required for an ordinance or a resolution.

(e) The vote on every question shall be recorded in the minutes.

Section 5. Minutes of Meetings.

(a) The city manager/city clerk or designee shall keep minutes of all public meetings which shall be a matter of permanent public record. At each regular council meeting the minutes of the previous meeting must be presented for approval. A taped recording of meetings may be made, but shall not be considered the official public record of the minutes.

Section 6. Hearings by Committee or City Manager.

Council may appoint a special committee or designate the city manager to assist in or hold a public hearing for council at any time upon any matter pending before it. Minutes or reports of hearings held by special committees or the city manager shall be filed as a public record.

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 member 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. Apply time limits uniformly.
- (4) Rule out of order remarks which involve personalities or attack motives or character of another member, or which are not related to the matter before the city council.
- (5) Reject frivolous motions and motions not permitted by the Rules. Require motions to be stated affirmatively and to the point.
- (6) Allow brief discussion before a motion and after a motion is seconded. The chair should restate the motion and allow the maker of the motion to speak first.
- (7) Allow a member additional opportunities to speak on a matter only after all other members have had an opportunity to speak.
- (8) Allow interruption of a speaker only by consent of the speaker or for permitted reasons (e.g. "Point of Order," "Point of Information, Please.")
- (9) Reject discussion of motions which are not debatable (e.g. adjourn, recess, table).
- (10) Recognize that all members have equal rights, privileges, and obligations. Remain impartial in the use of authority.

(b) City Council members shall:

- (1) Activate the speaker button and be recognized by the chair before speaking.

- (2) When making a motion, speak clearly and concisely so as to avoid any misunderstanding as to the intent of the motion. State the motion affirmatively.
- (3) Not speak a second time on a subject until all who wish to speak have done so.
- (4) Confine remarks to the subject of the motion, while avoiding remarks involving personalities, or remarks which are intended to be a "political speech."
- (5) Not interrupt a speaker who has the floor without consent, except to present a privileged motion.
- (6) Limit comments to that required to state a position while avoiding repetitiveness and redundancy.
- (7) Not be obligated to state a position or opinion on matters under discussion.
- (8) At all times act with decorum toward the members and those members of the public attending the meeting. Recognize that the City's mission statement provides for "prompt and courteous service to all," and that people appearing before council should be treated with respect and dignity.
- (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 (supermajority) 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.

Section 10. Motions.

(a) Limited discussion may be permitted by the chair prior to the introduction of a motion.

(b) When a motion is proposed and seconded, before any discussion, the chair will repeat the motion and the names of the council members initiating and seconding the motion.

(c) Motions shall be made in the affirmative (i.e. "I move that...be approved" or "I move that.... be denied.")

- (1) The chair may recognize any members of the public desiring to speak on the subject either before discussion by city council or after.
- (2) The council member offering the motion will be given the first opportunity to speak to the motion, followed in order by other council members wishing to be heard.
- (3) Each council member shall limit comments to a period of five (5) minutes.
- (4) Voting on the motion shall be by voice vote except that voting on resolutions and ordinances shall be by roll call. A roll call vote shall be required at the request of any member of council. The order of the roll call vote shall vary with each vote, with the chair to cast the last vote.

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

(e) In all cases where 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 a motion to lay on the table shall always be in order and shall be decided without debate. However, the Chairman may rule a motion to adjourn "out of order" prior to receiving public comments (as amended 8/2/99.)

(g) Any council member, 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.

(h) If the council shall be equally divided, the question shall be decided in the negative.

Section 11. Advisory Committee Reports; Special Council Member Assignments.

Reports on special assignments or advisory committee recommendations must be presented to council in session prior to granting interviews to the news media on the subject. Requests for interviews should be deferred until after

council has been officially informed. Committee reports to City Council shall be in writing. Advance copies of advisory committee reports will be made available, upon request, in accordance with "Florida Sunshine Laws" and public records laws.

Section 12. Conflict with Charter or Ordinances.

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