

## MEMORANDUM

**TO:** Mayor and City Council Members

**FROM:** Debbie Renner, City Clerk

**DATE:** February 9, 2010

**SUBJECT:** **Amending Council Rules and Procedures**

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### **PURPOSE**

To change the starting time for the second meeting of the month to 4:30 p.m. for the months of March, April and May.

### **BACKGROUND**

At the January 12, 2010 Council Meeting, it was your direction that an amendment to the City Council Rules and Procedures be brought forward for the purpose of changing the start time for the second regular meeting of the month (held on the fourth Tuesday) to 4:30 p.m.

Also at that meeting, you indicated that, initially, you would like to make this change on a temporary, three-month basis. At the end of the trial period, you said that you would like to evaluate the change to determine if you wish to make it permanent.

The City Attorney has prepared Resolution No. 591-10 for your consideration. If adopted, this Resolution will initiate the change in meeting time to 4:30 p.m. for the second regular meeting of the month beginning with the March 23, 2010 meeting.

**RESOLUTION NO. 591-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING THE CITY COUNCIL RULES AND PROCEDURES; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Orange City formally adopted City Council Rules and Procedures, initially by Resolution No. 97-11-1, and subsequently as amended by Resolution No. 271-04 in 2004, and Resolution No. 513-08, in 2008; and

**WHEREAS**, the current City Council Rules and Procedures, as most recently approved and amended by Resolution No. 513-08 are attached hereto as Exhibit "A"; and

**WHEREAS**, the current Orange City *City Council Rules and Procedures* (Exhibit "A") provide in Section 1: Meetings, Subsection A. Regular Meetings: (2) that Regular meetings are to be held on the second and fourth Tuesday of each month beginning at 7:00 p.m.

**WHEREAS**, this section recognizes, however, that the City Council is empowered to schedule its meetings, to be prescribed by Ordinance or Resolution.

**WHEREAS**, the City Council of the City of Orange City has considered certain changes to the City Council's Rules and Procedures and wishes to formally amend said City Council Rules and Procedures.

**NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** The City Council hereby resolves that the Orange City Council Meetings to be held on the second Tuesdays of the months of March, April, May, and June, shall be begin at 4:30 p.m. rather than at 7:00 p.m.

**SECTION 2.** Thereafter, the time for initiation of Regular Meetings of the City Council shall continue to be as provided for in the Orange City Council Rules and Procedures as attached hereto and as adopted by Resolution No. 513-08, Exhibit "A".

**SECTION 3.** That all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed.

**SECTION 4.** That this Resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

**ROLL CALL VOTE AS FOLLOWS:**

O. William Crippen	_____	Anthony J. Pupello	_____
Gary A. Blair	_____	Tom Abraham	_____
Jeff Allebach	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

ATTEST:

AUTHENTICATED:

\_\_\_\_\_  
Deborah J. Renner, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

This Resolution approved  
as to form and legal sufficiency:

\_\_\_\_\_  
William Reischmann, City Attorney

## RESOLUTION NO. 513-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING THE CITY COUNCIL RULES AND PROCEDURES; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, the City Council of the City of Orange City formally adopted the City Council Rules and Procedures by Resolution No. 97-11-1 and subsequently amended these Rules and Procedures by Resolution No. 271-04 in 2004; and

**WHEREAS**, the City Council of the City of Orange City, has considered certain changes to the City Council Rules and Procedures, and wishes to formally amend said Rules and Procedures.

**NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** The City Council Rules and Procedures are hereby amended as indicated on the attached document identified as Exhibit "A" and incorporated herein as if fully set forth.

**SECTION 2.** That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

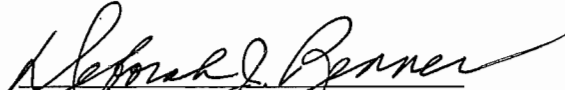
**SECTION 5.** That this resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

**ROLL CALL VOTE AS FOLLOWS:**


Jim Mahoney	<u>Absent</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Donald Sandford	<u>Absent</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

ADOPTED THIS 18<sup>th</sup> DAY OF November, 2008.

ATTEST:

  
Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:

  
Harley Strickland, Mayor

This Resolution approved  
as to form and legal sufficiency:



William Reischmann, City Attorney

CITY COUNCIL  
 ORANGE CITY, FLORIDA  
 RULES AND PROCEDURES  
*(Revised October, 2008)*

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## **SECTION ONE: MEETINGS**

All meetings of the Council shall be held at the City Hall Annex, 201 North Holly Avenue, Orange City, or at such other location in the City as shall be designated by the City Council.

### **A. Regular Meetings:**

- (1) There shall be at least one (1) Regular meeting of the Council per month. (Charter, Section 2.06)
- (2) Regular meetings shall be held on the Second and Fourth Tuesday of each month at 7:00 p.m., however, it may meet at such times as may be prescribed by Ordinance or Resolution. (Charter, Section 2.06)
- (3) No notice of regular meetings shall be required to members of the City Council.

### **B. Special Meetings:**

- (1) Special meetings of the Council may be scheduled at a Regular meeting or called by the Mayor or any two members of the Council, upon at least twelve hours written notice to each member and the public. (Charter, Section 2.06)
- (2) Only the item or items listed in the *NOTICE OF SPECIAL MEETING* may be acted upon.

### **C. Workshop Meetings:**

- (1) Workshop meetings may be scheduled at a Regular meeting or called in the same manner as Special meetings; and shall be for discussion only with the exception in (2) below.
- (2) No official action shall be taken at Workshop meetings except to recommend items to be considered at a Regular or Special meeting, or to give direction to the City Attorney or City Manager.
- (3) Minutes shall be kept of all Workshop meetings and shall require approval by the Council.

**D. Cancellation of Regular, Special or Workshop Meetings:**

- (1) Regular meetings of the Council may be cancelled when the day fixed for any said meeting falls upon a designated holiday, or due to holiday conflicts of schedules, or any other reason the Council feels a need to cancel. Regular meetings can be cancelled by Resolution, or by the City Manager due to lack of agenda items for that meeting or in the event of an emergency, providing at least one Regular meeting is held each month.
- (2) Special or Workshop meetings, when called by the Mayor or any two members of the Council, may be cancelled by any of the Council Members calling the meeting. Meetings that have been scheduled at a regular meeting require that all members be contacted and can only be cancelled when a majority of the members agree to the cancellation.

**SECTION TWO: AGENDA**

- A. The Agenda shall be complete and ready for distribution to Council by 4:00 P.M. on the Wednesday preceding the Council meeting.
- B. No action shall be taken on matters not on the Agenda, however, if necessary, an item may be added to the agenda upon the proper motion, second, and affirmative voice vote of a supermajority of five Council Members prior to the first order of business provided no additional information is required.
- C. Order of Business: The general rule as to the order of business in regular meetings shall be as follows:
  - Call to order
  - Roll Call
  - Invocation
  - Pledge of Allegiance
  - 1. Absences
  - 2. Presentations & Proclamations
  - 3. Citizen Comments
  - 4. Consent Agenda
  - 5. Ordinances – First Reading
  - 6. Public Hearing/Ordinances – Second & Final Reading
  - 7. Resolutions
  - 8. Discussion and Action
  - 9. New Business
  - 10. Reports:
    - A. City Manager
    - B. Mayor/City Council
    - C. City Clerk
    - D. City Attorney

11. Approval of Minutes
12. Council Comments
13. Adjournment

*(Note: The following section "D" is new to this revision of the Rules & Procedures. Portions not containing underline were moved to this section from other parts of the document for consistency and clarity. Those portions underlined are new to this revision. Those portions containing strike thru text were present in the previous version, but are proposed to be eliminated from this version.)*

D. Agenda: The order of business of each regular meeting shall be as contained in the Agenda. The Agenda shall be a listing by topic of subjects to be considered by the City Council.

1. Absences: This portion of the Agenda is for Council to consider whether to excuse a Council Member's absence at the previous meeting. An absence will be excused upon motion in the form "Shall the absence of Council Member 'X' be excused? and the affirmative vote of a majority of those present.
2. Citizen Comments: Citizen comments during regular or special meetings may be made on items not on the Agenda ONLY during the time designated by the Council; otherwise, citizens may address the Council only on items under discussion. ~~with the permission of the Presiding Officer, after a motion and second is made, when applicable.~~ Citizen Comments during workshop meetings shall be allowed at the discretion of the Chair.

Each person addressing the Council shall complete a speaker request form listing their name, address, and the topic they wish to address. The speaker may then step to the microphone, give his/her name and address clearly for the record and shall limit his/her address to three minutes, unless any member of the Council requests further information.

All remarks shall be addressed to the Council as a body and not to individual members thereof. No question shall be asked of a Council Member except through the Presiding Officer. No person other than a member of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer.

Persons addressing the Council may present oral or written communications in regard to matters under consideration with the permission of the Presiding Officer, however, any written communications shall be copied to each member of the Council, the Mayor, the City Attorney, the City Manager, and the City Clerk.

3. Consent Agenda: The Consent Agenda is intended to dispose of routine matters in an expeditious manner and shall consist of items that are expected to be non-controversial in nature, the subject matter of which may be disposed of by Resolution, and that do not require a public hearing. There shall be no separate discussion of Consent Agenda items unless a member of the Council requests an item to be removed for separate consideration, or an item has been removed at the request of a member of the public. Members of the public shall be entitled to provide comments on any item that has been removed from the Consent Agenda, subject to compliance with all rules established by the City Council, whether such rules are written or oral. Any member of the City Council may request that one or more items be considered separately from all other items on the Consent Agenda. The City Council may dispose of all items under the Consent Agenda by one motion, which must have a second, followed by a roll call vote.
4. Ordinances – First Reading: An ordinance is an official legislative action of the City Council, which action is a regulation of a general and permanent nature and is enforceable as a local law, and which has been adopted in accordance with Section 166.041, Florida Statutes and/or other applicable law. All non-emergency ordinances require two readings before the City Council for adoption, with a public hearing upon second reading or as required by general law.
5. Public Hearings/Ordinances – Second & Final Reading: All ordinances and shall require a public hearing prior to final adoption. Members of the public shall be entitled to provide comments on any matter that is the subject of a public hearing, subject to compliance with all rules established by the City Council, whether such rules are written or oral.
6. New Business: Council Members may request items for placement on a future agenda for discussion and/or action. Such future items shall be scheduled by the City Manager to permit time for proper preparation by staff. The Council Member requesting the item may also furnish relevant material to the City Manager if so desired.

### **SECTION THREE: PRESIDING OFFICER; DUTIES**

- A. The Mayor shall be the Presiding Officer of the Council, or in his/her absence, the Vice Mayor who shall be elected annually at the first Regular Council meeting after the City election, by the members, from their membership. (Charter, Section 2.03)
- B. The Presiding Officer shall preserve strict order and decorum at all meetings of the Council. He/she shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order; subject, however, to an appeal to the Council upon such questions, in which event a majority vote of the Council shall

conclusively govern and determine such question of order. The Presiding Officer shall vote on all questions, his/her name being called last.

#### **SECTION FOUR: CALL TO ORDER - PRESIDING OFFICER**

- A. The Presiding Officer (as described in Section Three) shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order.
- B. In the absence of the Presiding Officer (as described in Section Three) the City Clerk or Deputy City Clerk shall call the Council to order, whereupon a temporary Chairman shall be selected by the members of the Council present. Upon the arrival of the Presiding Officer, the temporary Chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

#### **SECTION FIVE: RULES OF DEBATE**

- A. Action on items before the Council shall commence by the Council entertaining a motion and a second by a Council Member other than the Member who made the original motion, followed by staff reports, public participation, and discussion by the Council. Action on the motion shall be concluded by roll call or voice vote as required. The Council Members making the motion and seconding same shall not be required to vote in favor of said motion.
- B. The Presiding Officer shall relinquish the chair to move or second, however, (s)he may debate and vote from the chair and not be deprived of any of the rights and privileges of a Council Member by reason of acting as the Presiding Officer.
- C. Obtaining the floor: Improper reference to be avoided. Every member desiring to speak shall address the chair and, upon recognition by the Presiding Officer, shall confine him/herself to the question under debate, avoiding all personalities and indecorous language.
- D. Interruptions: A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a member, while speaking, be called to order, (s)he shall cease speaking until the question of order be determined and, if in order, shall be permitted to proceed.
- E. Remarks of Council Members when entered in Minutes: A Council Member 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 in the Minutes.
- F. Withdrawal of Motions: Any Motion before the Council may be withdrawn at any time prior to a vote being taken thereon by the Council Member making such Motion, upon agreement by the Council Member seconding said Motion.

- G. Amending of Motions: At any time during discussion of a motion on the floor, a motion to amend said motion may be made. If the amending motion is seconded, the Council shall, at the conclusion of the discussion, first vote on the amending motion and then upon the original motion as amended. An amending motion may be withdrawn in the same manner as set forth in Paragraph "F" above.
- H. Privilege of Closing Debate: The Council Member making the original motion shall have the privilege of making a closing statement prior to the calling of the question.

*(Note: The entire Section Six below was moved to Section Two "D" Agenda)*

**SECTION SIX: — MANNER OF ADDRESSING COUNCIL**

- A. ~~Citizen comments during regular or special meetings may be made on items not on the Agenda ONLY during the time designated by the Council; otherwise, citizens may address the Council only on items under discussion with the permission of the Presiding Officer, after a motion and second is made, when applicable. Citizen Comments during workshop meetings shall be allowed at the discretion of the Chair.~~
- B. ~~Each person addressing the Council shall complete a speaker request form listing their name, address, and the topic they wish to address. The speaker may then step to the microphone, give his/her name and address clearly for the record and shall limit his/her address to three minutes, unless any member of the Council requests further information.~~
- C. ~~All remarks shall be addressed to the Council as a body and not to individual members thereof.~~
- D. ~~No person other than a member of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer.~~
- E. ~~No question shall be asked a Council Member except through the Presiding Officer.~~
- F. ~~Persons addressing the Council may present oral or written communications in regard to matters under consideration with the permission of the Presiding Officer, however, any written communications shall be copied to each member of the Council, the Mayor, the City Attorney, the City Manager, and the City Clerk.~~

**SECTION ~~SEVEN~~ SIX: DECORUM AND ENFORCEMENT**

- A. BY COUNCIL MEMBER: While the Council is in session, the members must preserve order and decorum and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer.
- B. BY PERSONS: Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith barred by the Presiding Officer from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.
- C. PERSONS PERMITTED ON THE DAIS: No persons except City Officials or their representatives shall be permitted on the dais without the permission of the Presiding Officer.
- D. ENFORCEMENT OF DECORUM: For the purpose of maintaining order and decorum at any Council meeting, the Presiding Officer may designate the Chief of Police or other member of the Police Department to act as Sergeant-at-Arms.

**SECTION ~~EIGHT~~ SEVEN: MOTIONS AND VOTING**

- A. The City Council shall act only by Motion, Ordinance or Resolution. (Charter, Section 5.01)
- B. EVERY MOTION shall be clearly stated, including direction, to whom given, specific dates or time frame by which the action is to be taken, and any stipulations or conditions which may be applicable.
- C. For WITHDRAWAL OF MOTIONS and AMENDING MOTIONS, refer to Section Five, "F" and "G".
- D. For proper procedure on various Motions, refer to Robert's Rules of Order and general parliamentary procedure manuals.
- E. All Motions shall be made in the affirmative and shall not include opinions, observations, and/or personal views on the subject.
- F. In the event there is no second for the Motion, it DIES FOR LACK OF A SECOND.
- G. All roll call votes, with the exception of the Presiding Officer who votes last, shall be called on a rotating basis. The procedure shall be developed by the City Clerk and be approved by the City Council.

- H. **ABSTAINING FROM VOTING:** No member of the Council shall abstain from voting except as provided in FS, CHAPTER 112, if the issue would inure to the person's private gain. In that case, he must publicly state the nature of his interest in the issue at the time the item is to be considered; within fifteen days from the abstention, he must file a "MEMORANDUM OF VOTING CONFLICT."

The proper form is available in the City Clerk's office and may be completed prior to the meeting at which the abstention is anticipated, at the meeting, or within the required time limit. The Memorandum(s) will be attached to the minutes of that meeting and made a part thereof.

**SECTION ~~NINE~~ EIGHT: SOURCE OF RULES OF ORDER**

~~The source of Rules of Order shall be the Morrow Edition of ROBERT'S RULES OF ORDER, as revised.~~

The source of Rules of Order shall be the most recent edition of *Robert's Rules of Order*, revised, which shall serve as a guide to the proceedings of the City Council to the extent that they are not in conflict with these Rules, the Charter, or general law.

**SECTION ~~TEN~~ NINE: EFFECTIVE DATE OF "RULES & PROCEDURES"**

Effective immediately upon adoption of the City Council by Resolution.