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WHEREAS, on December 1, 2016, the City Commission, by motion voted to amend Ordinance 2016-106, to change the meeting times of the 1st regular city commission meeting to 6:00 pm; and the city commission /city manager workshop special meeting to 6:00 pm; and

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the City to amend the procedures and schedules set forth in Resolution No. 2016-106 to reflect the modification adopted on December 1, 2016, and December 7, 2016, to conform to the actual practices of the City Commission.

SECTION 1. MEETINGS

(1) Meetings beginning at 5:30 PM shall end on or before 11:00 PM, unless extended by a majority vote of the City Commission.

37 (b) All Public Hearings shall be set for the first and third Wednesday of the
38 month at 5:30 PM and heard as soon thereafter as practical. Public Participation shall
39 be scheduled to be heard as soon thereafter as practical.

40 (c) Special Meetings of the City Commission may be held at any time on call
41 of the Mayor, in the absence of the Mayor, the Vice Mayor, or any three members of
42 the Commission. Special Meetings may be set at any Commission meeting upon
43 motion passed setting the time and matters to be considered at a special meeting.
44 Whenever practicable there shall be no less than twelve (12) hour notice to each
45 member of the public.
46

47 (d) Workshop Meetings will be held at 5:30 PM to be followed by the HBCRA Board
48 of Directors Meeting, as necessary.
49

50 (e) Nothing contained in this resolution, however, is to be construed as
51 limitations upon the manner of calling a Special Meeting, and if such special meeting
52 is otherwise called in accordance with existing laws, it shall not be deemed an illegal
53 meeting, even though not called with the requirements of this resolution.
54

55 (f) The Agenda for every City Commission meeting shall include an "Order of Business."
56 This section will allow the Legislative Body to make any additions, deletions, deferrals,
57 and changes to the actual order of the Agenda (including the Consent Agenda). These
58 changes would be approved by a majority vote of the Body.
59

60 **SECTION 2.** RULES OF ORDER AND PROCEDURES OF CITY COMMISSION
61 MEETINGS
62

63 (a) ORDER OF PRECEDENCE. The Mayor, or in his/her absence the Vice Mayor
64 shall preside over all meetings of the Commission as provided for in section 3.04 of the
65 City Charter.
66

67 (1) Nothing contained in this resolution as to rules of order and procedures shall be in
68 any way construed to unreasonably limit the ability of the public to provide citizen
69 input and comment at any City Commission meeting, nor shall these rules and
70 procedures be construed in any manner that would unreasonably limit the ability
71 of any Commissioner to participate fully in public debate on issues presented to
72 the Commission, or to respond to questions or comments raised during debate in
73 the issues among the Commissioner.
74

75 (2) These rules of order and procedure shall not be construed so as to limit the rights
76 of the public or of any individual Commissioner to free speech, free association, or
77 free assembly, as guaranteed by the United States and Federal Constitution.
78

(3) All political power is inherent in the people. The enunciation herein of any procedural rules shall not be construed to deny or impair the rights retained by the people under Article 1, Section 1 of the Florida Constitution.

(b) DUTIES OF PRESIDING OFFICER. The duties of the presiding officer are as follows:

(1) He/she shall state every question before the Commission.

(2) He/she shall direct the City Clerk or designated staff to call the roll and record the vote on all matters concerning which the recording of the ayes and nays is required or requested.

(3) He/she shall announce the results of every vote.

(4) He/she shall decide all questions of order.

(5) He/she shall announce the order of business and insure the orderly disposition of the items on the agenda.

(6) He/she shall maintain order and enforce the rules of decorum and discipline.

(c) RULINGS BY THE CHAIR; APPEALS. The presiding officer shall exercise the discretion afforded by these rules, and shall rule on all questions of order and priority of debate, although he/she may ask the advice of the City Attorney and the City Manager. The City Clerk may be directed to respond through the City Manager. Any Commission Member may appeal from any such determination or decision of the presiding officer. The motion to appeal from the decision of the Chair requires a second and a majority vote of the Commission Members present to reverse the decision of the Chair. No other business, except a motion to adjourn or to lay on the table shall be in order until the question on appeal has been decided.

(d) CITY CLERK TO MAINTAIN MINUTES. The City Clerk shall maintain the minutes of the Commission and keep the same as the permanent and public record of the proceedings of the Commission. The proceedings shall be electronically or electromagnetically recorded, but they shall be reduced to writing as soon as practicable after the adjournment of the meeting. Nevertheless, the electronic and electromagnetic recording shall be kept as a permanent record until destruction is approved by the State of Florida.

(e) CONTENTS OF MINUTES. The minutes shall contain summary minutes of all action taken by the Commission with respect to all matters brought before the Commission, and shall state the vote on every question. Where a roll-call vote is taken, the Minutes shall show the names of the Commission Members voting for and against the question, respectively. Where a voice vote is taken, the Minutes shall show the names of the Commission Members voting on the losing side. Unless otherwise ordered by the Commission, the debate on any question shall not be recorded in the minutes, but all pertinent communications and the titles of all items shall be entered into the minutes.

(f) NAME OF MAKER AND SECOND OF MOTION IN MINUTES. In all cases where a motion is entered into the minutes of a Commission Meeting, the name of the member moving and seconding the same shall be entered.

(g) YEAS AND NAYS IN MINUTES. The yeas and nays upon passage of any resolution or ordinance shall be taken and entered in the minutes; and the yeas and nays shall be taken on any motion if requested by any Commissioner.

(h) TITLE OF ORDINANCE AND RESOLUTION IN MINUTES. The title of the ordinance or resolution on which any action is taken shall be set out in full in the minutes.

(i) APPROVAL OF MINUTES. The City Clerk shall submit minutes to the City Manager for approval. Following City Manager approval, the City Clerk shall place the minutes on the agenda. If any corrections are made to the minutes, the City Clerk staff shall prepare corrected pages.

(j) SIGNING OF AND DISTRIBUTION MINUTES. When the minutes of the meeting have been approved by the City Commission, they shall be signed by the Mayor and attested by the City Clerk.

(k) ATTENDANCE AND ABSENCE FROM MEETINGS. Any Member who arrives late to the City Commission Meeting will be acknowledged publicly by the Mayor or City Clerk. Any Member who plans to leave the meeting and not return should announce their departure on the record. Any member who is unable to attend a Commission meeting due to sickness or for a duly authorized reason shall notify the City Manager and City Clerk, who shall notify the Mayor, before the meeting convenes.

(l) MANNER OF SPEAKING. No Commission Member at a Commission meeting shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first being recognized by the presiding officer. The presiding officer shall recognize the Commission Member who has the floor, and call on each subsequent Commission member to speak. No Commission Member shall be interrupted by another without the consent of the Commission Member who has the floor, except by asserting a question of order. Each Commission Member, in speaking on any matter, shall confine himself/herself to the question, shall not use unbecoming, abusive or unparliamentarily language, shall not engage in personal attacks on fellow Commission Members or on any speaker before the Commission, and shall promote, in the manner and substance of his/her speech, the dignity of, and respect for the Office of City Commissioner and the legislative process. While a member is speaking, no member shall hold any private discourse, nor pass between the speaker and the presiding officer.

(m) COMMISSION MEMBERS TO OCCUPY REGULAR SEATS. No Commission Member shall be allowed to vote on any motion or measure, or gain the privilege of the floor, unless he/she is, at the time he/she is voting or seeking to gain the privilege of the floor, at his/her regular seat which he/she occupies on the Commission.

(n) COMMISSION MEMBERS TO PRESERVE ORDER AND DECORUM. While the Commission is in session, the Commission Members shall preserve order and decorum, and a Commission Member shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Commission, nor disturb any Commission Member while speaking, or refuse to obey the orders of the Commission or its presiding officer, subject to an appeal to the majority of the Commission as provided for in Section 2 (c) of these procedures. During Quasi-Judicial Hearings, no Commission Member shall receive, read, place or consider e-mails, text messages, or phone calls pertaining to the Quasi-Judicial Hearing being considered.

(o) DISRUPTION OF MEETING. Any person, not a Commission Member, making personal, impertinent or slanderous remarks or who shall become boisterous while the Commission is in session, shall forthwith be barred from further audience before the Commission by the presiding officer in his/her discretion. No demonstrations of approval or disapproval from the audience shall be permitted, and if such demonstrations are made, the audience shall be cleared from the Commission Chambers. In case of any disturbance or disorderly conduct, the presiding officer shall have the power to require the Commission Chambers or location of the Meeting be cleared if necessary, or to expel any member of the audience causing such disturbance or disorderly conduct.

(p) MOTIONS: HOW MADE; WITHDRAWAL. Every motion shall be made orally, unless the presiding officer requests that it be reduced to writing. The maker of the motion should agree with the motion before making it. No motion shall be debated or put to a vote without a second, except for those motions stated in section (q). The Member who seconds the motion doesn't have to agree with it but must only believe that the motion should be discussed and decided upon. When a motion is made and, when required, seconded, it shall be stated by the presiding officer or, being in writing, shall be read by the City Clerk, and the mover shall have the floor. After a motion has been stated or read, it shall be deemed to be in the possession of the Commission and shall be disposed of by vote of the Commission. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended or before a vote thereon shall have commenced, if a majority of the Commission Members present consent.

(q) MOTIONS REQUIRING NO SECOND. The following motions do not require a second:

1. Call for a division of the Commission - to ask to poll for accuracy of the vote
2. Call for the division of a question - to ask to divide a motion for separate consideration
3. Call for the orders of the day - to take up a matter timely
4. Leave to withdraw a motion - to withdraw a motion before it has been stated by the Chair
5. Nominations

- 196 6. Object to the consideration of a question - to prevent the question from being
197 considered when the member deems the motion as irrelevant or contentious, it can
198 be raised only before there has been any debate or subsidiary motions
- 199 7. Parliamentary inquiry - a request for the chair's opinion on a matter of
200 parliamentary procedure as it relates to the business at hand not involving a ruling
- 201 8. Point of information - an inquiry as to facts affecting the business at hand
- 202 9. Request for permission to withdraw or modify a motion after motion has been
203 seconded or stated by the Chair. If a motion has not been seconded or stated by
204 the Chair the maker may withdraw the motion without a second or vote of the
205 Commission
- 206 10. Point of order - calling upon the chair for a ruling and an enforcement of the rules
- 207 11. Question of privilege - permits an interruption of pending business to state an
208 urgent request or motion, whether the privilege is granted or not is ruled on by the
209 Chair
- 210 12. Nominations for Vice Mayor

211 (r) MOTIONS ALLOWING NO DEBATE. The following motions shall be decided without
212 debate:

- 213 1. Adjourn, in any form
- 214 2. Amend an undebatable motion
- 215 3. Appeal
- 216 4. Call for the orders of the day
- 217 5. Fix the time to which to adjourn
- 218 6. Lay on the table - to lay the pending question aside temporarily
- 219 7. Limit or extend - the time to debate a matter
- 220 8. Object to the consideration of a question
- 221 9. Other incidental motions, as follows:
- 222 (a) Close or reopen nominations
- 223 (b) Division of the Commission
- 224 (c) Division of a question
- 225 (d) Point of order, information or inquiry
- 226 (e) Question of quorum present
- 227 (f) Leave to withdraw a motion
- 228 (g) Previous question - to immediately close debate and the making of
229 subsidiary motions and bring the Commission to a vote

- 230 (h) Question of privilege
231 (i) Reconsider an undebatable motion
232 (j) Suspension of the rules
233 (k) Take a recess
234 (l) Take from the table - to take up an item previously laid on the table

235

236 (s) MOTIONS ALLOWING NO AMENDMENT. The following motions shall be decided without
237 amendment:

- 238 1. Adjourn
239 2. Amend an amendment
240 3. Appeal
241 4. Call for the orders of the day
242 5. Call for a division of the Commission
243 6. Declare an item to be an emergency measure
244 7. Fill a blank
245 8. Leave to withdraw a motion
246 9. Lay on the table
247 10. Nominations
248 11. Object to the consideration of a question
249 12. Postpone indefinitely - to delay vote on a question for indefinite period of time
250 13. Previous question
251 15. Question of privilege
252 16. Reconsideration
253 17. Take from the table

254

255 (t) PRECEDENCE. When a question is under debate, the following motions only shall be
256 entertained and shall have precedence over each other in the following order:

- 257 1. Adjourn to a date certain
258 2. Adjourn
259 3. Take a recess
260 4. Lay on the table

- 261 5. Previous question
262 6. Close debate at a specified time
263 7. Postpone to a day certain
264 8. Amend
265 9. Postpone to a certain time
266 10. Postpone indefinitely

267 (u) MOTIONS WHICH CAN BE MADE BUT ONCE. Motions to adjourn or recess shall be
268 decided without debate by a majority vote of those Commission Members present and voting.
269 Only one substitute for a motion to adjourn shall be entertained. The substitute motion shall fix a
270 different time for adjournment, and the same shall be put without debate, except that one minute
271 shall be allowed the mover of the substitute within which to explain his/her reasons therefore. The
272 substitute motion having been lost, the question shall be put on the original motion which if lost
273 shall preclude any further motion to adjourn until other business shall have intervened.

274 (v) MOTION TO AMEND TO BE GERMANE. No motion to amend dealing with a subject
275 different from that under consideration shall be entertained by the presiding officer.

276 (w) DIVISION OF QUESTION. Any Commission Member may call for a division of a question
277 when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a
278 motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and
279 insert.

280 (x) PREVIOUS QUESTION. The effect of a motion for the previous question shall be to bring
281 the Commission to a direct vote on the question. If the motion for the previous question is adopted,
282 the Commission shall forthwith dispose of pending amendments and the main question in regular
283 order. The motion for the previous question may not be made by the introducer or mover of the
284 item.

285 (y) POSTPONE INDEFINITELY. Motions to postpone indefinitely shall be applicable only to
286 main motions. The adoption of a motion to postpone indefinitely shall dispose of such measure
287 for the duration of the Commission meeting at which it is made.

288 (z) LAY ON TABLE. If an amendment is laid on the table, such action shall not carry the main
289 question or any other amendment with it. The motion to lay on the table may not be made by the
290 mover of the item.

291 (aa) NO DELAYING MOTIONS. No dilatory or delaying motions shall be entertained by the
292 presiding officer.

293 (bb) PRESIDING OFFICER MAY PARTICIPATE IN PROCEEDINGS. The presiding officer
294 may move, second and debate, subject only to such limitations of debate as are enforced by these
295 rules on all Commission Members, and shall not be deprived of any of the rights and privileges
296 as Commission Member by reason of his/her acting as the presiding officer. If the presiding officer
297 desires to make a motion or second a motion he/she shall relinquish the Chair to Vice Mayor until
298 item has been disposed.

(cc) OBTAINING FLOOR. When a Commission Member desires to speak in debate on a subject open to debate, in order to obtain the floor, he/she must first be recognized by the presiding officer, then speak only on matters germane to the business or questions under debate.

(dd) INTERRUPTION OF SPEAKER. A Commission Member or official, once recognized, shall not be interrupted while speaking unless it be to call him/her to order for transgressing any rule of the Commission or failing to maintain proper decorum or for any member of the Commission to raise to question. If a Commission Member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined by the presiding officer without debate, and if in order, he/she may proceed.

(ee) PRIVILEGE OF FLOOR.

(1) General Exclusion. No person, except Commission Members and working employees of the Commission, shall be admitted within the dais unless permitted by the presiding officer.

(2) Addressing Commission. By permission of the presiding officer, the privilege of the floor shall be extended to a citizen or citizens to address the Commission on any matter pending before it or which needs the attention of the Commission.

(ff) MAJORITY ACTION. Unless otherwise required by the charter or ordinances or contracts of the City or indicated by these Rules, all action by the Commission shall be by majority vote of Council Members present, who have not abstained pursuant to State Statutes and section (ii), immediately below, of this resolution. A majority vote of the Commission Members shall be necessary to approve and adopt any item, unless otherwise required by law, ordinance, contract, or City Charter.

(gg) VOTING REQUIRED. Any Member present at the meeting, but absent from the dais during a vote, upon his/her return to the dais, will be required to record their vote. No longer should a Member go directly to the City Clerk to record his/her vote during or after the meeting. No member of the City Commission who is present at a Commission meeting may abstain from voting in regard to any matter, ruling or act, except when with respect to any such member there is, appears to be, a possible conflict of interest under provisions of Section 112.311, 112.313 or 112.3143, Florida Statutes, and shall make such personal interests known at the public meeting when the item is being considered and leave the chambers until such time as the item has completed. No Commission Member shall participate in any debate nor make any comments on an item for which they have a conflict of interest before, during or after the item is under City Commission consideration. Appropriate forms shall be filed with the City Clerk's Office in accordance with State Statutes.

(hh) MANNER OF VOTING. Votes on procedural matters, including withdrawals, amendments, substitutions and emergencies shall be by voice vote, so as to be heard verbally. The City Clerk will request a Member to register their voice vote again when it is unclear. Votes on resolution or ordinances shall be taken by roll call vote in random ~~alphabetical~~ order by Commissioner last name with the Vice Mayor and Mayor voting last. In the case of a voice vote, if the presiding officer is in doubt, or upon the request of three Commission Members, the presiding officer shall call for a showing of hands or a rising vote, for a division of the Commission or for a roll-call vote.

(ii) CHANGE OF VOTE. On all roll-call votes, after the vote has been taken but before the announcement of the result, a Council Member may (a) change his/her vote or (b) vote. After announcement of the result, no vote may be changed or taken on the question unless there has been a Motion for Reconsideration properly made and passed.

(jj) BINDING OF ACTION. No action shall be binding unless adopted by at least three affirmative votes of the City Commissioners or as specified by Charter, contract or State Statutes. If a vote ends in a tie, a majority was not attained and the motion will be deemed as failed. Motions, applications or agenda items not receiving three affirmative votes shall be deemed to have failed or be rejected and such action shall be final except that any member of the Commission may move for reconsideration of the matter within a reasonable time. A reasonable time is as determined by a majority vote of the Commission.

(kk) EXPLANATION OF VOTE. No Council Member shall be permitted to explain his/her vote during a roll-call vote, but may do so for a period of not more than one minute prior to the result of a roll-call vote being announced or immediately thereafter.

(ll) PARLIAMENTARY AUTHORITY. The City Manager shall designate a qualified employee as the Parliamentarian for the City. Under the direction of the City Manager, this employee shall advise the presiding officer with respect to parliamentary procedure and the proper application of these Rules to the business of the Commission.

(mm) INTERPRETATION OF RULES. It shall be the duty of the presiding officer to interpret all Rules. When used in these Rules, unless the text otherwise indicates:

(1) The singular includes the plural.

(2) The masculine includes the feminine.

(nn) EFFECT OF RULES ON COMMISSION ACTION. No ordinance, resolution or action duly passed, adopted or taken by the Commission shall be held to be invalid because of failure of the Commission to comply with or abide by any one or more of the provisions of these Rules if such ordinance, resolution or action would otherwise be valid under the Charter or ordinances of the City or laws of this state but for such provisions of these Rules alleged to have been violated or ignored.

(oo) SUSPENSION OF RULES. Any Rule may be temporarily suspended, unless such suspension would conflict with provisions of the laws of Florida, the Charter or ordinances of the City, by a majority vote of all the Commission Members. The Rules shall not be suspended to amend any Rule or part thereof.

(pp) AMENDMENT OF RULES. No permanent change shall be made without notice specifying the purpose and wording of the change given at a previous regular meeting of the Commission and the adoption of the permanent change by a vote of four-fifths of all the Commission Members.

SECTION 3. SUBMITTING ORDINANCES AND RESOLUTIONS.

(a) All ordinances and resolutions shall be prepared and placed in Agenda Maker by the Wednesday fourteen (14) days preceding the City Commission meeting at which it will be considered.

(b) Resolutions may be prepared and presented without prior City Commission approval or direction.

(c) Ordinances may be prepared and presented without prior City Commission approval or direction.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

APPROVED AND ADOPTED this 4th day of December, 2019.



JOY D. ADAMS
MAYOR

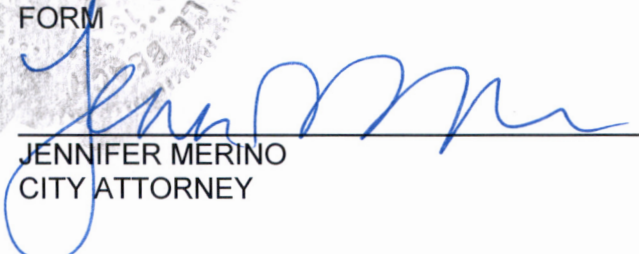
SPONSORED BY: CITY COMMISSION

ATTEST.



JENORGER M. GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY AND FORM



JENNIFER MERINO
CITY ATTORNEY

FINAL VOTE ON ADOPTION

Mayor Adams	<u>YES</u>
Vice Mayor Javellana	<u>YES</u>
Commissioner Butler	<u>YES</u>
Commissioner Lazarow	<u>ABSENT</u>
Commissioner Lima-Taub	<u>YES</u>