

Sponsored by: City Attorney

**CITY OF MARATHON, FLORIDA
RESOLUTION 2017-21**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY MARATHON, FLORIDA, AMENDING THE RULES OF PROCEDURES FOR MEETINGS OF THE MARATHON CITY COUNCIL; REPEALING ALL RESOLUTIONS AND RULES OF PROCEDURE INCONSISTENT WITH THIS RESOLUTION AND THE RULES OF PROCEDURE ADOPTED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council has identified and directed City staff to make changes to the Marathon City Council rules and procedures to promote order, decorum, and civility.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Rules of Procedure for Meetings of the Marathon City Council, attached hereto as Exhibit "A," is hereby approved. All Resolutions and Rules of Procedures inconsistent with the Rules of Procedure adopted herein are repealed.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 4th DAY OF APRIL, 2017.

THE CITY OF MARATHON, FLORIDA



Dr. Daniel Zieg, Mayor

AYES: Bartus, Cook, Senmartin, Coldiron, Zieg
NOES: None
ABSENT: None
ABSTAIN: None


ATTEST:



Diane Clavier, City Clerk

CITY SEAL

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



David Migut, City Attorney

RULES OF PROCEDURE FOR MEETINGS OF THE MARATHON CITY COUNCIL

RULE 1. AGENDA

(a) Proposed Agenda. The City Clerk, at the direction of the City Manager, will prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received prior to the deadline announced by the Clerk for the upcoming meeting. Prior to the agenda deadline, any City Councilmember may have an item placed on the proposed agenda. Additionally, the City Attorney may request of the Clerk that items be placed on the agenda. A copy of all available supporting documentation will be attached to each proposed agenda item. Upon completion of the proposed agenda, each Councilmember will receive a copy of the proposed agenda and supporting documentation, and the agenda will be made available for public inspection and distribution at City Hall and on the City's webpage.

(b) Adoption of the Agenda. As its first order of business, the City Council will discuss, revise (if necessary), and adopt a final agenda for the meeting. The Council will not consider any add-on items not brought forward during the agenda discussion.

RULE 2. PUBLIC ADDRESS TO THE CITY COUNCIL¹

The City Council will set aside a portion of every regular meeting for residents who wish to address the Council about items not on the agenda for the meeting. They will do so by signing up for item "Citizens' comments on agenda items other than those appearing on the agenda" [Those who have signed in will be given the first opportunity to speak. Time is limited to 2 minutes per speaker and 30 minutes total time for this agenda item.].

A resident who wishes to address the Council on a particular item on the agenda will do so by signing up for the item on which they wish to speak. Unless otherwise granted by a majority of the Council, speakers will limit their presentations on any issue or agenda item to three (3) minutes.

Residents may also speak during the public hearing process under, "Public hearings" [Those who have signed in will be given the first opportunity to speak. Time is limited to 5 minutes per speaker.], or during "Citizens' comments" [Those who have signed in will be given the first opportunity to speak. Time is limited to 5 minutes per speaker].

Any individual, group, business, or agency that wishes to make a presentation to the City Council will have a City Councilmember sponsor their request to be placed on the agenda. Such presentations, unless otherwise approved by a majority of the Council, will be limited to five (5) minutes.

All speakers shall state their name and address for the record.

¹ The federal and state courts, in construing the first amendment rights of speakers at public meetings, have consistently ruled that such rights are not absolute and speakers may be stopped or removed when their speech disrupts, disturbs or otherwise impedes the orderly conduct of the public meeting.

Anger, rudeness, ridicule, obscene or profane language, impatience and lack of respect for others are not acceptable behavior. Demonstrations in support or opposition to a speaker or idea such as clapping, cheering, booing, hissing, or intimidating body language are not permitted in Council Chambers.

Any person who makes threats of physical violence shall be subject to immediate ejection from the meeting. Any person making irrelevant, impertinent or slanderous remarks, who becomes boisterous while addressing City Council, or who otherwise violates the provisions of this resolution may be cautioned by the Mayor and/or the City Attorney and given the opportunity to conclude his or her remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall not be allowed to continue. The Sheriff or his designee shall carry out all reasonable orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the meeting, including directions to escort disruptive persons back to their seat or remove them from the meeting. The Sheriff or his designee may also arrest any such individuals who violate the order and decorum of the meeting and will not promptly leave the premises voluntarily after being requested to do so.

No person, except city officers, employees or their representatives shall be permitted beyond the podiums in front of the City Council without the express permission of the Mayor or City Council, and no person shall be permitted to disturb any Councilmember, the City Manager, City Attorney, or City Clerk while on the floor during any meeting without the express permission of the Mayor or City Council.

Members of the public shall address their comments to the Council as a whole and not to any Councilmember individually or any group of Councilmembers. Negative comments against a public figure, private person, business or other non-public entity, while discouraged, may be made only if done without specifically naming any individuals or businesses. Imposing a demand for an immediate response from the City Council or any member thereof during public comment shall be considered out of order. Persons shall not address City Council with personal, impertinent or slanderous remarks, or become boisterous. A Councilmember shall not engage in dialogue with persons making public comment unless the question or comment is directed through the mayor or made with the permission of the mayor.

Persons representing a group or organization must present written evidence of their authority to speak for the group or organization.

RULE 3. ORDER OF BUSINESS

Items will be placed on the agenda according to the order of business. The order of business for each regular meeting will be as follows:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Agenda and Consent Agenda
- City Council Items – proclamations, presentations and reports **(public comment if action item)**

- City Manager Report – monthly department reports
- City Attorney Report
- Citizens' Comments on Items Other Than Those Appearing on the Agenda
- Public Hearings
 - A. Ordinances for Public Hearing and Enactment (**public comment**)
 - B. Resolutions Requiring Public Hearing (**public comment**)
 - C. Quasi-Judicial Items (**public comment**)
- Resolutions for Adoption (**public comment**)
- Citizens' comments
- Council comments
- Adjournment

The City Council – collectively or through its individual members - shall not:

- a. Respond to Citizen's comments on any item or matter not on an approved Agenda.
- b. Raise and/or discuss at any point during a meeting substantive issues not on an approved Agenda.

By general consent of the Council, items may be considered out of order.

RULE 4. ACTION BY THE COUNCIL

Except as otherwise provided for in these rules of procedure, the Council will proceed by motion. Any Councilmember may make a motion.

RULE 5. SECOND REQUIRED

To be discussed or acted upon, a motion requires a second from another Councilmember.

RULE 6. DEBATE

The Mayor will state the motion and then open the floor to debate. The Mayor will preside over the debate according to the following general principles:

- The maker of the motion is entitled to speak first.
- A Councilmember who has not spoken on the issue will be recognized before someone who has already spoken.

RULE 7. ONE MOTION AT A TIME

A Councilmember may make only one motion at a time.

RULE 8. SUBSTANTIVE MOTIONS

A substantive motion is out of order while another substantive motion is pending.

RULE 9. ADOPTION BY MAJORITY VOTE

A motion will be adopted by a majority of the votes cast, as defined in the City Charter.

RULE 10. PROCEDURAL MOTIONS

(a) Certain Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of votes cast, for adoption. Procedural motions are in order while a substantive motion is pending, and at other times, except as otherwise noted.

(b) Order of Priority of Motions. In order of priority the procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Mayor/Vice-Mayor. A decision of the Mayor/Vice Mayor ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks thereby disrupting the meeting, cutting off the debate or entertaining and answering a question of parliamentary procedure may be appealed to the Council. This appeal is in order immediately after such a decision is announced, and at no other time. The Mayor/Vice Mayor need not recognize the Councilmember making the motion, and the motion (if timely made) may not be ruled out of order.

Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter and may not interrupt deliberation of a pending matter.

Motion 3. To Take a Brief Recess.

Motion 4. To Suspend The Rules. By majority vote the Council may vote to suspend one (1) or more of these rules unless prohibited by Florida law.

Motion 5. To Divide a Complex Motion and Consider it by Paragraph. This motion is in order when a Councilmember wishes to consider a separate vote on subparts of a complex motion.

Motion 6. Previous Question (“To Call the Question”). This motion immediately closes debate and stops any amendment to the immediately pending motion. This motion is not amendable and not debatable.

Motion 7. To Defer Consideration. The Council may defer a substantive motion for later consideration to an unspecified time, or to a date and time certain. No substantive motion will be deferred in this manner for more than thirty (30) days.

Motion 8. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment will be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

Motion 9. To Reconsider. The Council may vote to reconsider its action on a matter. The motion to do so must be made by a Councilmember who voted with the prevailing side (the majority, except in the case of a tie in that case the “no’s” prevail) and only at the meeting during which the original vote was taken.

Motion 10. To Rescind or Repeal. The Council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted.

RULE 11. RENEWAL OF MOTION

A motion that is defeated may be renewed at any later meeting. The motion to do so, however, must be made by a Councilmember who voted with the prevailing side (the majority, except in the case of a tie; in that case the “no’s” prevail).

RULE 12. WITHDRAWAL OF MOTION

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

RULE 13. DUTY TO VOTE

Every member present, when a question is put, shall vote unless the Councilmember has a conflict of interest. Any Councilmember abstaining from voting must make a brief statement why he/she is not voting on the item and fill out all appropriate paperwork to be filed with the City Clerk, pursuant to Chapter 112, Fla. Stat.

RULE 14. ADJOURNMENT OF MEETINGS

Council meetings will adjourn no later than 11:00 p.m., unless the meeting is extended by a majority of the Council then present. All staff and City Councilmembers will use their best efforts to arrive at a Council Meeting no later than 5:30 p.m.

RULE 15. INTERPRETATION OF RULES

On matters involving parliamentary procedure not provided for in these Rules of Procedure, the City Attorney's latest revised edition of Robert's Rules of Order shall be referenced by the Mayor as persuasive rather than binding, and the Mayor's determination shall be final. Upon request by a Councilmember, the City Attorney shall interpret these Rules of Procedure and Robert's Rules of Order for the Council.

RULE 16. CITY COUNCIL DECORUM AND CIVILITY

City Council expressly recognizes that promoting and preserving decorum and civility best enables the Council to fairly and expeditiously conduct the business of the City.

While City Council is in session, the Mayor shall preserve order and decorum. A Councilmember shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Council, nor disturb any Councilmember while speaking or refuse to obey the orders of the Council or the Mayor.

No Councilmember shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first being recognized by the Mayor. When two or more Councilmembers seek recognition by the Mayor, the Mayor shall name the Councilmember who is to speak first. No Councilmember shall be interrupted by another without the consent of the Councilmember who has the floor, except by rising to a question of order. A councilmember, in speaking on any matter, shall confine him/herself to the question or matter before the Council, shall not use unbecoming, abusive, or unparliamentary language, and shall avoid commenting on personalities or character of other Councilmembers, former Councilmembers, other officials, staff, or the public.

The following are positive expectations of Council discourse:

- Always focus on what is best for the City, and represent the entire City.
- Maintain respect for the Council and its members. Visibly demonstrate respect for, and fairly represent, each other.
- Demonstrate that it is fine to disagree but not to be disagreeable.
- If reasonably possible, avoid surprising your fellow councilmembers or staff, except positive surprise.