

DRAFT

**RULES OF PROCEDURE
VILLAGE COUNCIL
VILLAGE OF ESTERO**

Purpose.

The purpose of the rules of procedure is to ensure that the public's business is transacted efficiently and effectively and to promote order and cooperation in the deliberation of public policy. These rules are designed to promote thoughtful, fair, and organized debate and action on the part of the Village Council of Estero (Council), and they are designed to protect the rights of the public, the minority, and the individual Members of the Council to be heard and considered.

Section 1. Rules of Order and Quorum.

- (a.) Except as otherwise required by law or the Village Code, all proceedings shall be governed by these rules of order. The Village Attorney shall act as a parliamentarian and shall render opinions on procedures or matters not covered in these rules.
- (b.) A majority of the Councilors serving constitutes a quorum for the conduct of business at any meeting. The Mayor or Vice-Mayor shall preside, as chair; if both are absent, the present Members shall elect a presiding councilor. 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 the purposes of a quorum. Members are required to abide by the ruling of the chair.
- (c.) All meetings of the Council shall be noticed as required by law and open to the public.
- (d.) Questions of order shall be decided by the Chair without debate, subject to appeal by the Council.
 - 1) An appeal of the ruling of the Chair 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.
- (e.) If a Member believes the Rules of Procedure are 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 on the matter. The ruling is subject to appeal. If the Chair is in doubt, the Chair may put the question to a vote.
- (f.) These Rules of Procedure may be suspended for a definite purpose by majority vote. A motion to suspend is not debatable.

Section 2. Introduction of Agenda Subjects and Motions.

- (a.) The Village Clerk or Village Manager shall read an ordinance or resolution by title only (except where otherwise provided by law).
- (b.) Following the introduction of a subject, discussion by the Council is permitted prior to and after the introduction of a motion. The Council Members shall signal their desires to speak by raising a hand. The Chair shall call on each Council Member as seen.
- (c.) The Chair shall recognize those citizens who have filled out a speaker's card prior to a vote on a motion. Such recognition may occur prior to or after a motion is introduced.
- (d.) When a motion is proposed and seconded, the Chair will repeat the motion and the names of the Council Members initiating and seconding the motion.
- (e.) Motions shall be made in the affirmative (i.e. "I move that...be approved" or "I move that...be denied.")
 - 1.) The Member offering the motion will be given the first opportunity to speak to the motion, followed in order by other Members wishing to be heard.
 - 2.) Following comments from each Member who wishes to speak, each Member may again comment.
- (f.) All motions shall be open to amendments.
- (g.) 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.
- (h.) A Member may request that the person offering the motion consider an amendment to a motion. If the maker and the person who seconded the motion agree, the motion shall be amended without a vote. The Chair shall state the motion as amended.
- (i.) If a vote of the Council is equally divided, the vote shall be considered to be in the negative.

Section 2. Voting Requirements.

- (a.) All actions of the Council shall be by majority vote of the Members present at a public meetings except where otherwise provided by law.

- (b.) Every Council Member present shall vote on every question except when required to refrain from voting by law.
- (c.) Votes may be by voice. Those in favor of a motion shall signify by saying “yes”, and those against shall signify by saying “no”. However, any Member may require a roll call vote on any issue.
- (d.) The Chair or any Council Member may call for a roll call vote. The order of the roll call vote shall be by district number, with the Chair to cast the last vote.
- (e.) The vote on every question for each Member shall be recorded in minutes.
- (f.) All votes on ordinances shall be by roll call vote.

Section 4. Reconsideration of a Motion.

- (a.) During the meeting in which a matter has been voted on, the Council may re-open the matter by a simple majority vote and reconsider its decision. The request to re-open the matter must be made by a person that voted in the majority.
- (b.) After adjournment of the meeting in which the matter was voted on, reconsideration must adhere to the following:
 - 1.) Only Council Members may request reconsideration of an agenda item which has been voted on previously by the Council.
 - 2.) Any Council Member who voted with the majority or was not present for the original vote may ask for reconsideration. Where the matter resulted in a tie vote, any Council Member who voted may request consideration.
 - 3.) A request for reconsideration must be transmitted in writing to the Chair no later than 48 hours prior to the next regularly scheduled council meeting after the item was voted on.
 - 4.) The Council will first discuss whether to reconsider the item. A majority vote in favor of the reconsideration will place the item on a future regularly scheduled council meeting agenda. Failure to receive a majority vote will halt the reconsideration process.
 - 5.) Items approved for reconsideration shall be placed on the next regularly scheduled council meeting agenda unless the Council specifically votes to set a different schedule for hearing the matter. All parties who participated by speaking or submitting registration forms or written materials at the first hearing shall be notified by the Village Clerk of the date of reconsideration.

(c.) General Rules:

- 1.) A matter may only be reconsidered one time by the Council. After that, any matter or any issues subsumed by it shall require a new agenda submittal, including but not limited to:
 - a. A new petition, including filing fees and advisory board hearings where appropriate.
 - b. Council action on the matter.
 - c. The policy contained herein shall constitute the full and complete reconsideration of a matter by the Council.

Section 5. Types of Motions.

(a.) Main Motion

- 1.) Defined as a proposal that certain action be taken or an opinion be expressed by a group.
- 2.) The words to use are, "I move..."

(b.) Secondary Motion

- 1.) Motions can be made while the main motion is on the floor and before it has been decided. These are called "secondary motions", and they include subsidiary and privileged motions. Several rules should be remembered.
 - a. A secondary motion can be introduced while the main motion is being debated. The secondary motion shall be considered first.
 - b. The most common is a "motion to amend [the main motion]". The motion must be debated and voted upon before the main motion is further considered.
 - c. Some secondary motions are not debatable. These include the following: "move to the previous question"; "call the question", which takes Members back to the main motion if approved; "recess or adjourn"; "to table"; and "to suspend the rules". A call for the question requires a second if Members informally do not agree to suspend debate.
 - d. Debatable secondary motions include: "to amend"; "to refer to committee"; or "to postpone to a time certain".

Section 6. Agenda.

- (a.) The Village Manager shall be responsible for the preparation of the agenda for meetings of the Council. The Village Manager shall consult with the Chair as to the order of the agenda and the “time certain” agenda subjects.
- (b.) The Village Clerk shall post notice containing time, location, and date of council meetings as required by law.
- (c.) All items on the agenda shall be accompanied by all supporting documentation. The agenda, agenda memorandum, and supporting information shall, whenever possible, be provided to the Council at noon on the Wednesday preceding a regular Council meeting, and at least 48 hours in advance of any special called or workshop meeting except for emergency meetings. Revised or additional information may be distributed via an agenda supplement in advance of the meeting or, if adequate time is not available, during the meeting.
- (d.) All exhibits, including documents, photos, PowerPoint or other electronic media presentations, or other evidence in support of a petition must be submitted to the departmental staff by close of business seven days prior to the hearing. Any amendments to the submittal must be received by the close of business five days before the hearing. Failure to do so is grounds for the Council to determine not to admit the new exhibit into evidence or consider the exhibit or testimony pertaining to it, for the matter to be continued, or for the matter to be remanded to the appropriate advisory board. It is the petitioner’s responsibility to ensure that all exhibits that he or she wants to be considered are in the Council packet prior to the foregoing deadline. Deadlines falling on holidays are extended to the next non-holiday workday.
- (e.) The agenda for regular and workshop meetings shall include provisions for a public comment period. Nothing should impede the rights of the public to speak before the Council.
- (f.) The agenda shall include a section for “correspondence and communication” by the Council following the Business Section.
 - 1.) A Council Member may request that a subject matter be placed on a future workshop or regular agenda.
 - 2.) The Council may accept or reject the placement of a subject matter on a future agenda by consensus vote.
 - 3.) A Council Member may provide a “position paper”, memorandum, or summary to the Village Manager prior to the distribution of the agenda to clarify the purpose and the intent of the subject matter.

- 4.) Council Members may share reports, information, correspondence, or other items they deem necessary for the Council to hear.
- (g.) The agenda may have a “consent agenda” section for items relating to routine business, reoccurring, or non-controversial business of the Council.
- 1.) The intent of the “consent agenda” is to facilitate the conduct of the 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 Member shall request that the item be removed from the consent agenda. The Council shall consider that an item of business separate from the other items on the consent agenda. Any Member of the Council may remove an item from the consent agenda.
- (h.) The agenda packet shall be in electronic format. The Council agenda and packet shall be posted on the Village’s website for public review prior to the meeting. In addition, the Village Clerk will have at least one (1) hard copy of the agenda packet available for public review before the meeting and at the meeting.

Section 7. Meetings of the Council.

- (a.) A schedule of Council regular and workshop meetings for the year shall be adopted by motion prior to January of each year.
- (b.) The Council may hold special meetings at any time pursuant to due notice being given in writing by the Chair or a majority of the Council. The notice should specify the objective of the special meeting.
- (c.) Executive sessions (closed-door meetings or portions of meetings) may be held and shall be limited to those subject matters authorized by Florida Statutes.
- (d.) The Council may recess any regular or special meeting, providing that such recessed meeting shall be to a future day and hour to be specifically provided for in the motion for such recess. The recessed meeting shall not be later than the next regular meeting, and any such recessed meeting shall not be held at any hour or time other than as specified in such resolution.
- (e.) The Village Manager may continue or grant one continuance of an agenda item before the meeting. Further continuances must be considered by the Council.

Section 8. Meeting Minutes.

The Village Clerk or designee shall keep minutes of all public meetings, which shall be a matter of permanent public record and shall be presented to the Council for review and approval. A taped or video recording of the meetings may be made.

Section 9. Public Hearings (Other than Quasi-Judicial).

The purpose of public hearings is to receive input from citizens regarding the issue before the Council.

- (a.) The Village Attorney or the Village Manager shall summarize the issue before the Council rather than read the entire staff report, unless otherwise requested by the Council. Ordinances and resolutions will be read into the record by title only.
- (b.) The Chair shall remind the members of the public to fill out a speaker's card prior to the start of the public hearing.
- (c.) Following the summary explanation, the Public Hearing will open. Speaker's cards shall be required. Public comments shall be limited to three minutes unless otherwise determined by the Chair or a majority of the Council.
- (d.) When the public comments have concluded, the Chair will close the Public Hearing. Debate may continue until the question is called.

Section 10. Quasi-Judicial Proceedings and Public Hearing.

- (a.) The Chair shall call each item and direct the Village Clerk to administer the oath to the Village staff and to those persons who intend to participate in the hearing. At this time all Members shall disclose any ex-parte communications they have had or conflicts of interests that they may have regarding the petition.
- (b.) After the introduction of the petition by staff, the Petitioner's presentation shall occur first.
- (c.) Staff shall then provide an analysis of the petition and staff report.
- (d.) After the Petitioner and staff have made their presentations the Council shall determine which persons, if any, in addition to the Petitioner and the Village staff, shall be considered parties in the matter permitted to present evidence and examine witnesses in support or opposition to the petition.
- (e.) Following presentations by the parties, the Chair shall call for public comment by those who have filed out speaker's cards. Each speaker shall have up to three (3) minutes to present comments on the petition.

- (f.) Upon conclusion of public comment, the Petitioner may, before the close of the public hearing, present a brief rebuttal with a time limit to be determined by the Council.
- (g.) The Council may ask questions of the parties, staff, or public speakers at any time during the hearing. Questions of an informational nature from the parties or public speakers may be asked through the Chair. Direct questions between the parties and witnesses shall be permitted.
- (h.) The Council should introduce a motion, debate the position, and call for the question.
- (i.) The petitioner shall provide electronic copies of his or her presentation materials to the Village Manager or staff prior to the publication of the Council agenda for incursion with the Council agenda packets.
- (j.) Handouts provided during the proceeding shall consist of ten (10) copies for the Council, staff, and other parties.
- (k.) In making its decision, the Council shall consider the evidence in the record, the public's input and any recommendations of the Village staff. The Chair, with the advice of the Council's counsel, may rule on any objections to admission of any irrelevant or immaterial evidence, but the public hearing need not conform strictly to the rules of evidence or procedure that govern judicial proceedings. The Council's decision shall be based on competent substantial evidence in the record of the proceeding, and the applicable law.
- (l.) Following the hearing the Council's decision shall be reduced to writing. If a petition is rejected, the Council shall state the reason(s).

Section 11. Public Hearings by Committee, Chair, or Village Manager.

When authorized by law or ordinance, the Council may appoint a special magistrate or committee, or designate the Chair or the Village Manager to assist in or hold a public hearing for the Council at any time or upon any matter pending before it. The requirements of the Sunshine law shall apply in the same manner as they would apply to the Council. Minutes or reports of hearings held by the special committees, the Chair, or the Village Manager shall be filed as a public record.

Section 12. 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 the 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 Council.
- 5.) Reject frivolous motions and motions not permitted by the Rules. Require motions to be stated affirmatively and to the point.
- 6.) 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.) Recognize citizens wishing to address the Council on the issues before the Council following the debate, but prior to the vote.
- 10.) Reject discussion of motions which are not debatable (e.g. adjourn, call for the question, continuance, recess, or table).
- 11.) Recognize that all Members have equal rights, privileges, and obligations. Remain impartial in the use of authority.
- 12.) Call for the question when it appears that Members have concluded debate, or when such debate has become repetitive and non-productive for the required policy discussion.
- 13.) Remind the public of the requirement to submit a speaker's card for the "public comment" section of the agenda or for an agenda subject.

(b.) Council Members shall:

- 1.) Be recognized by the Chair before speaking. Then, after each Member has had the opportunity to speak, a Member may comment on the subject

following a recognition by the Chair. The Chair may elect to a less formalized speaker order during workshop topics, and a more formalized speaker order depending on the issue and the volume of the information to be discussed.

- 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” for the attending public rather than for influencing the Council’s decisions.
- 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 or redundancy.
- 7.) Not be obligated to state a position or opinion on matters under discussion. Discussion should be intended to add information, persuade colleagues through debate, and state positions.
- 8.) Refrain from adding comments or explanations during the voting process. Comments and explanations should be made during discussion before or after the motion, and not during voting procedure.
- 9.) At all times act with decorum toward the Members of the Council and the Members of the public attending the meeting. Recognize that people appearing before the Council shall be treated with respect and dignity.
- 10.) Refrain from initiating a discussion with citizens during the public comment period except to clarify points raised by a citizen. Let public speakers finish before commenting. If additional information or response from staff is needed, the Council Member may ask questions following the public comment.
- 11.) Recognize that the legislative process involves interaction of competing ideas that resolve themselves by a decision of the Council. That decision may not satisfy all Members, but the will of the majority shall prevail. Once a question has been voted on, the decision becomes that of the Village and each Member shall accept and abide by the results.

12.) Be prepared and focused. While questions and clarification will occur, many questions can be answered by studying the agenda packet, or with a phone call or visit to the Village Hall prior to a meeting. The Council and the public may then focus on the decision-making process at hand in a timely manner.

(c.) The public shall:

1.) Be permitted to address the Council during the public comment period on any subject, and on any matter scheduled on the agenda prior to a call for the question.

a. Citizens who wish to address the Council on business matters scheduled on the agenda shall complete and submit a speaker's card prior to the close of the public comment period for that agenda item. Registered speakers who have completed a speaker's card will be called to the podium by the Chair.

b. Public comment shall be limited to three (3) minutes unless waived by the Chair or by a majority of the Council Members.

2.) Be permitted to address the Council on any subject matter not scheduled on the agenda during the "public comment" section of the agenda.

a. Speaker's cards are required.

b. Upon being recognized by the Chair, the person shall proceed to the podium and state his or her name and address.

c. The Chair shall allow the person a period of three (3) minutes to present matters of the public interest before the Council unless otherwise waived by the Chair or a majority of the Council Members. Speaker time limits will be extended to approximate time involved with Council dialogue. The Chair or a majority of the Council may waive the time limitation.

d. Public comment is intended to encourage citizens to speak about issues. The answering of questions will only occur when directed by the Chair. Otherwise, answers will be provided by the staff or Council Members outside of the meeting. Nothing herein shall limit the ability of the Council Members to question public speakers.

Section 13. Not Appealable.

- (a.) The failure of the Council to adhere strictly to any of the rules contained herein shall not create a cause of action or basis of appeal or challenge of the matter before the Council.

Section 14. Conflict With Charter or Ordinances.

Where these rules conflict with the Village Charter, Code of Ordinances, or Florida Statutes, the Charter, Code of Ordinances, or Florida Statutes shall prevail.