RESOLUTION NO. 26-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING RESOLUTION NUMBER 47-01 ENTITLED "A SUPPLEMENT TO SECTION 2-29 OF THE CODE OF ORDINANCES"; AND ADOPTING A RESOLUTION SETTING FORTH CITY COUNCIL RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS AS PREVIOUSLY ESTABLISHED BY AND ENCOMPASSING RESOLUTION NUMBER 47-01 AND SECTION 2-29 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach City Council desires to maintain an orderly process for City Council Meetings and to achieve this goal had previously set forth Rules of Procedure in Section 2-29 of The Code of Ordinances and in Resolution Number 47-01; and

WHEREAS, the City Council has determined that there existed possible duplications and/or conflicts and that it is in the best interests of the citizens and of the City of Riviera Beach to avoid such duplications and/or conflicts; and

WHEREAS, the City Council has determined that maintaining a single set of Rules of Procedure will prevent said duplications and/or conflicts and therefore all other provisions, whether ordinances and/or resolutions, with respect to said rules have been or will be repealed; and

WHEREAS, the City Council has further determined that it is in the best interest of the citizens and of the City of Riviera Beach to maintain flexibility with regard to its Rules of Procedure; and

WHEREAS, the City Council has determined that the best vehicle for accomplishing all the aforementioned goals is the adoption of a single Resolution setting forth the City Council Rules and Procedures for City Council Meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH as follows:

Section 1. That Resolution Number 47-01 entitled "A Supplement To Section 2-29 Of The Code Of Ordinances" is hereby repealed in its

entirety.

Section 2. That the City Council hereby establishes the following Rules of Procedures for governing its council meetings.

Section 3. That said rules shall govern all future City Council meetings.

Section 4. This resolution shall take effect immediately upon its passage and approval.

PARLIAMENTARY PROCEDURE FOR CITY COUNCIL MEETINGS

If the current Rules of Procedure of the City Council are silent on the matter of parliamentary procedure, then the current edition of Robert's Rules of Order, newly revised, will govern the council in all cases to which they are applicable.

A. Regular Meetings

The regular meetings of the City Council shall be held in its chambers at 7:30 p.m., in the city hall, on each of the first and third Wednesdays of each month. If any Wednesday shall fall on a holiday, the city council may by motion set another date for such meeting or cancel the meeting for that particular Wednesday night. Announcement of such change or cancellation shall be made at least five days before such change at a regular meeting or in a newspaper of general circulation within the city. No regular meeting shall be held the fifth Wednesday of any month.

B. Special Meetings

Special meetings may be called from time to time by the Mayor or by two Members of the City Council and during the absence or disability of the Mayor, by the Chairperson of the City Council. The call for a special meeting shall be in writing and shall contain a statement of the business to be considered at such meeting, and no business shall be transacted at any special meeting not contained in such call unless approved by unanimous consent of the City Council present at such meeting. Notice shall be served by handing a copy of the notice or call of the meeting to each Council Member, or by leaving a copy at the Member's usual place of abode at least 24 hours prior to the time of holding such meeting, but any Council Member who is present at the meeting or has actual notice thereof may waive the formal notice. The call of each special meeting with proof of, or waiver of, service shall be entered

in the minutes of the meeting.

C. **Agenda Order**

The following agenda order shall be observed unless varied at a City Council meeting by affirmative vote of at least three Council Members present:

(1) Roll call.
(2) Invocation.
(3) Pledge of allegiance.
(4) Additions and deletions.
(5) Awards and presentations.
(6) Statements from members of the public (two-minute limitations for each speaker).
(7) Consent agenda:

a. Approval of minutes.
b. Approval of payment resolutions.
c. Petitions, communications, and correspondence for filing
d. Administrative requests.

(8) Ordinance on second and final reading.

a. Ordinance on first reading.
b. Items requested by the city manager.

(9) Recommendations and discussion from Mayor or Council Members.
(10) Adjournment.

D. **Ordinances**

1. No ordinance can be repealed, amended or the action thereof suspended except by another ordinance duly adopted and approved according to law.

2. An ordinance shall be recorded by the City Clerk in a book kept for that purpose. All motions and resolutions shall be entered in full upon the minutes of the meeting at which they are adopted.

3. Every ordinance passed by the City Council before becoming a law shall be presented to the Mayor under the certificate of the City Clerk for approval or disapproval. The City Clerk shall report the

in the minutes of the meeting.

C. **Agenda Order**

The following agenda order shall be observed unless varied at a City Council meeting by affirmative vote of at least three Council Members present:

(1) Roll call.
(2) Invocation.
(3) Pledge of allegiance.
(4) Additions and deletions.
(5) Awards and presentations.
(6) Statements from members of the public (two-minute limitations for each speaker).
(7) Consent agenda:

a. Approval of minutes.
b. Approval of payment resolutions.
c. Petitions, communications, and correspondence for filing
d. Administrative requests.

(8) Ordinance on second and final reading.

a. Ordinance on first reading.
b. Items requested by the city manager.

(9) Recommendations and discussion from Mayor or Council Members.
(10) Adjournment.

D. **Ordinances**

1. No ordinance can be repealed, amended or the action thereof suspended except by another ordinance duly adopted and approved according to law.

2. An ordinance shall be recorded by the City Clerk in a book kept for that purpose. All motions and resolutions shall be entered in full upon the minutes of the meeting at which they are adopted.

3. Every ordinance passed by the City Council before becoming a law shall be presented to the Mayor under the certificate of the City Clerk for approval or disapproval. The City Clerk shall report the

action of the Mayor to the City Council, and the action of the Mayor shall be entered upon the minutes of the City Council, but the failure to enter the Mayor's approval in the minutes shall not affect the validity of the ordinance. All ordinances approved by the Mayor or becoming a law without approval of the Mayor shall be promulgated without unnecessary delay by posting a copy of the same on the bulletin board of the city hall for a period of not less than ten days.

E. Communication with City Council

1. Any person may communicate with or petition the City Council on any matter relating to the city's affairs, but the City Council may require any such communication or petition to be reduced to writing. Persons wishing to address the City Council orally shall do so at such times as the City Council shall designate for that purpose.

2. Presentation of legal questions shall be submitted in writing ten days prior to city council meetings to the City Attorney in order that City Council may be advised.

F. Clean Air Act

No smoking will be allowed in the city council chambers during any city council meetings.

G. Mayor and City Council Members

1. The duties and responsibilities of the Mayor and City Council include, but are not limited to, upholding the public trust; demonstrating integrity, honesty and fairness; exercising fiduciary responsibility; and being responsive to the citizens of this community.

2. The Mayor and City Council Members should refrain from publicly berating, chastising, and making impertinent remarks to and/or about other Council Members and/or city staff persons.

H. City Council Chairperson

1. The Chairperson of the City Council shall be chosen from its members and shall perform the usual functions of a presiding officer. The Chairperson may be removed by the affirmative vote of not less than three-fifths of all the Members of the Council.

2. The Chairperson shall preside at all meetings when present. In

the absence of the Chairperson, a Chairperson Pro Tem shall preside, and in the absence of both officers, the meetings shall be called to order by the Clerk. If a quorum is present, the first business shall be the election of a Chairperson of the meeting who shall preside over such meeting. The City Council shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time.

3. The Chairperson shall call the meeting to order at the hour appointed for the meeting and, if a quorum be present, shall proceed with the order of business and adjourn when the business is deemed finished.

4. The Chairperson shall promote the efficient operation of the Council which shall include setting the full Council agenda (along with the City Manager) and expediting parliamentary debate or, if there is no objection from other members, expediting the passage of routine motions.

5. The Chairperson may speak to points of order, inquiry, or information and shall decide all questions of order. However, any Member dissatisfied with any of the Chairperson's decisions shall have the right to appeal the decision to the full Council. In all cases of appeal, the question shall be *"Shall the decision of the Chairperson be sustained?"* Any Council Member shall have the right to call for an aye and nay vote upon any such question, and when the aye and nay vote shall be ordered, the City Clerk shall call the roll of Council Members and record the vote of each member.

6. No member shall speak more than once on an appeal without the consent of a majority of the Council Members present. The decision in response to the appeal shall be by a majority vote of the Council Members present. In the case of a tie vote, the decision of the Chairperson shall stand.

7. While speaking on any question before the Council, the Chairperson shall have the right to turn the chair over to the Chair Pro Tem.

8. The Chairperson shall preserve order and decorum within the Chambers.

I. Motions

1. No motion shall be entertained or debated until duly seconded,

I. Motions

1. No motion shall be entertained or debated until duly seconded, if a second is necessary, and announced by the Chairperson.

2. Motions shall be recorded and, if desired by any Council Member, shall be read by the City Clerk before being debated.

3. If no Council Member objects, a motion may be withdrawn by the maker before amendment or action.

4. Motions shall be entertained in the order of precedence outlined in the then current edition of Robert's Rules of Order, newly revised. Motions to postpone or to commit a question to a date certain, having been decided, shall not be allowed again on the same day.

5. A motion to table an amendment shall not carry the main question with it unless so specified in the motion to table.

6. A motion to reconsider shall have precedence over every other motion except a motion to adjourn.

7. Motions to reconsider a vote upon amendments to any pending questions shall be made and decided immediately.

J. Debate

1. When a Council Member wishes to speak, the Member shall address the Chairperson and wait for recognition. When recognized, the Member shall, in a courteous manner, confine comments to the question under debate.

2. When two or more Council Members ask for recognition at the same time, the Chairperson will designate who shall speak first.

3. No Council Member shall impugn the motives of any other Member. The Chairperson may recommend the end of debate.

4. The previous question may be demanded by two Council Members in this form, *"Shall the main question be voted upon without further debate?"* When sustained by a majority of the Council Members present, the debate shall be ended.

5. Any Council Member may call for a division of the question, which shall be divided if it embraces subjects so distinct, that, one

K. Council Voting

1. Every Council Member present shall participate in the voting process for all actions before the full Council, except that Council Members must disqualify themselves from voting if disqualification is required by the State's Code of Ethics.

2. A roll call vote is required when voting on a final passage of Council Resolutions or Ordinances. A roll call vote on other business may be demanded by two Council Members present or by the Chairperson. In the case of a demand for roll call votes, the votes shall be recorded by the City Clerk in the Record of Proceedings.

3. In the event of a tie vote, the motion does not pass.

4. Abstentions are not allowed. Members not disqualified shall vote aye or nay.

5. When a Council Member present is not qualified to vote, the City Clerk shall record and announce, *"Present, but disqualified from voting."* When a Council member is present but does not vote and has not disqualified him/herself from voting, the City Clerk shall record and announce, "Present, but did not vote." Note: *(requires written explanation and submission to State of Florida as per state law).*

6. After the final vote on any motion, resolution, or ordinance and before adjournment of the full Council session, any Member who voted with the prevailing side may move for reconsideration except in cases where the motion is undebatable (e.g,. lay on the table). A second to the motion for reconsideration may be made from either the prevailing or non-prevailing side. A motion to reconsider may also be considered at the next regular City Council meeting.

L. City Council Meeting Agenda Items

1. **Regular Agenda Items:** Regular agenda items must be submitted to the City Manager's office thirteen days (13) prior to the date of the City Council meeting. The submittal deadlines are subject to change due to holidays, etc.

2. **Supplemental Agenda Items:** Any City Council Member with a supplemental agenda item which requires very limited staff input, shall provide the item in writing, together with any backup information, to the Chairperson, with a copy to the City Manager,

no later than 12:00 noon on the fourth business day preceding the City Council meeting. Emergency supplemental agenda items must be presented to the City Manager no later than 9:00 a.m. on the business day preceding the City Council meeting, and require the approval of at least three City Council Members before being placed on the agenda as an add-on item.

3. **Non-agenda Items:** A non-agenda item is defined as any item that is not on the printed agenda or any printed supplemental agenda. Non-agenda items shall be introduced only when deemed by the City Council Chairperson or another City Council Member to require urgent attention. A unanimous vote of the City Council shall be required to allow a non-agenda item to be placed on the agenda.

M. Agenda Review Meetings

1. The Council may hold, at its pleasure, Agenda Review meetings to discuss and receive information from staff on matters to appear before the Council at a regular Council meeting. Agenda Review meetings shall ordinarily be held at 5:00 p.m. on each Monday preceding a regular Council meeting, or, on the next day if the Monday is a holiday. However, the Council may cancel or change the date or time for this meeting at its pleasure. The Agenda Review meeting shall be open to the public. No binding votes may be taken at the Agenda Review meeting. Agendas of each Agenda Review meeting, listing items for which discussions is expected, will be made available to the general public. The public will not have an opportunity to participate in these meetings without prior approval of the Chairperson. There shall be no quorum requirement for the Agenda Review meetings.

2. Staff members possessing the most knowledge about the items to be discussed must be present at Agenda Review meetings. All department heads must be present at these meetings.

N. Rules of Procedure

1. Any of the foregoing rules may be suspended by unanimous vote of all Council Members present.

2. The rules of order of business may be amended from time to time by resolution by a majority of the City Council.

PASSED and APPROVED this 20th day of February, 2002.

APPROVED:

MICHAEL D. BROWN
MAYOR

EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

DAVID G. SCHNYER
CHAIRPERSON PRO TEM

ATTEST:

DONALD R. WILSON

CARRIE E. WARD, CMC/AAE
CITY CLERK

SYLVIA LEE BLUE

ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

MOTIONED BY: D. Schnyer

SECONDED BY: S. Blue

E. Rodgers aye

D. Schnyer aye

D. Wilson aye

S. Blue aye

E. Wade aye

REVIEWED FOR LEGAL SUFFICIENCY

By:_____
City Attorney
City of Riviera Beach

Date:_____