



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: July 2, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Amendment to Rules of Council

Background: During the March 27 Special Meeting and the April 16 Council Meeting, Mayor Fouraker discussed that there were discrepancies with the Rules of Council especially for meeting notices and requested the Council direct the City Attorney to review and make changes to the rules so they conform to the Municipal Charter the Municipal Code (BIMC). The rules have been reviewed and changes made by the City Attorney's Office to conform to the Charter and BIMC.

At the June 4 Meeting, the Council did not take action on this issue and some Council Members wanted to review this and make additions changes. A copy of the document was sent to Council on May 22 and June 5 to make edits. No additional comments or edits were received by City Staff.

Staff Recommendation: Adopt the changes to the policy.

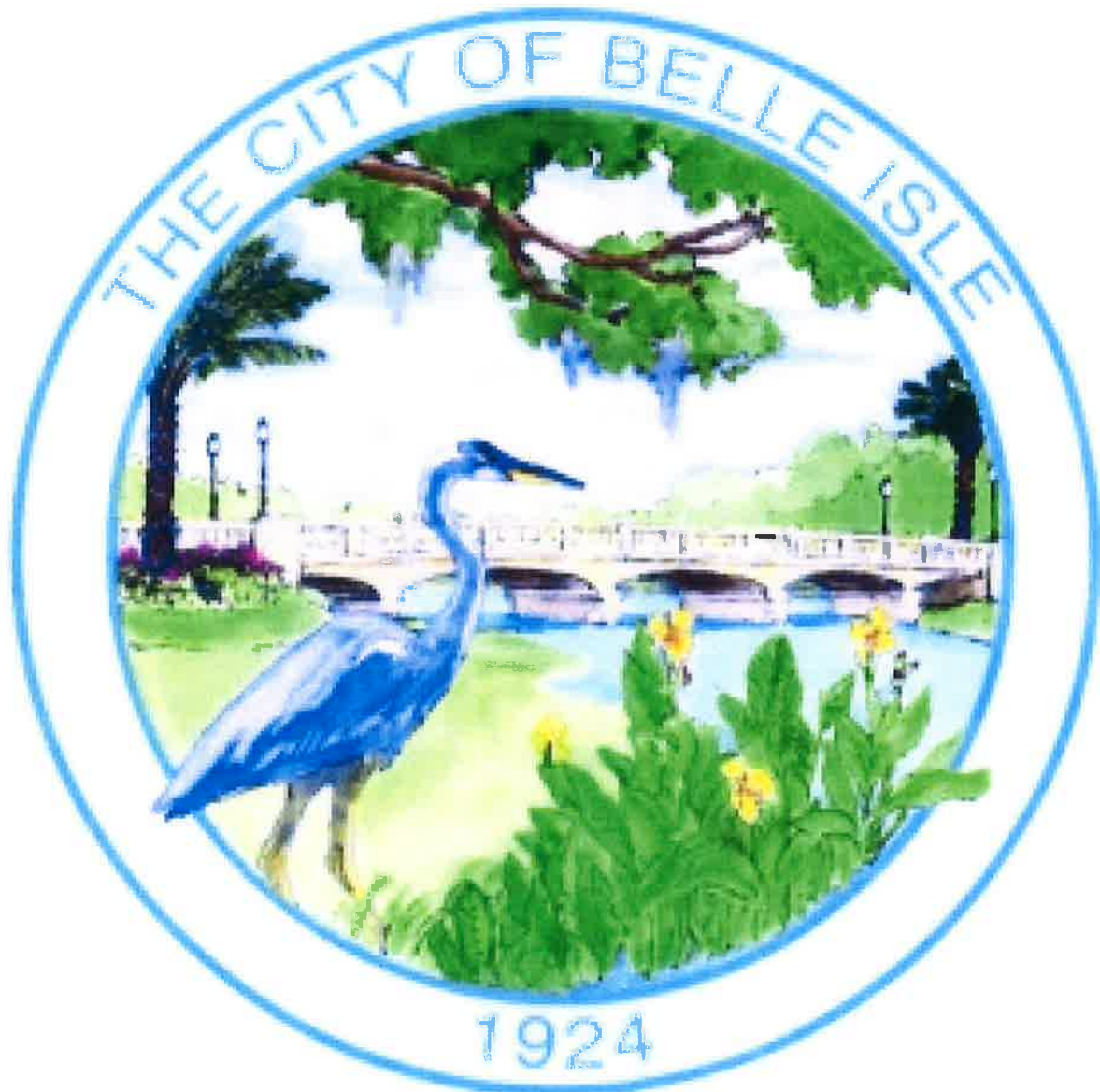
Suggested Motion: I move that we adopt the Resolution 19-06, Amendments to Rules of Procedure for the Belle Isle City Council.

Alternatives: Continue to make additional changes to the proposed rules

Fiscal Impact: None

Attachments: Resolution 19-06 and Rules

Exhibit A – RESOLUTION 19-06
Rules of Procedure for the City Council and the Boards,
Commissions and Committees
City of Belle Isle, Florida



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ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW

1.1 Authority.

Article III, Section 3.08 of the City Charter of the City of Belle Isle, Florida grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and by authority of said provision.

1.2 Applicability.

The rules of procedure adopted by the City Council are applicable not only to the City Council but shall apply to all other boards, commissions, and committees of the City of Belle Isle.

1.3 Amendment.

These rules may be amended or new rules adopted, by a majority vote of the members of the City Council present.

ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES

2.1 Construction of Authority and Priority.

The construction of authority in all matters associated with the meetings and activities of the City Council, including the Agenda, shall be: (1) the U.S. Constitution and statutes of the United States of America; (2) The Florida Constitution and statutes of the State of Florida; (3) the City Charter; (4) the Code of Ordinances of the City of Belle Isle, Florida; (5) these rules; and, (6) Rosenberg's Rules as amended and set forth herein. To the extent any of these rules are inconsistent or conflict with the City's Code, Charter or Florida or Federal law, the applicable provision of the City Code, Charter, or Florida or federal law shall control.

2.2 Council/Staff Relationships and Communications.

The Council shall contact City employees through the City Manager. In accordance with Section 3.10 of the City Charter, Council Members will refrain from giving orders or direction to any subordinate of the City Manager, either publicly or privately. Work assignments and policy direction should come from the elected body as a whole and not from individual members.

2.3 Meetings Shall Be Public.

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Florida State Statutes, Chapter 286, Government-in-the-Sunshine Law. ~~Except in the case of an emergency meeting, notice~~ Notice of all regularly scheduled meetings of the City Council shall be given published at least 4 business days prior to the meeting. ~~The day of publication notice is not considered a business day~~ included toward such 34-day period. ~~For example, the Notice of a Council Meeting will be published on the Thursday preceding a regular Council Meeting 72 hours before the~~

time set for any meeting.

Notice of Special Meeting of the City Council shall be published no less than ~~24~~2 hours prior notice to each Commissioner and the public.

Notice of Work Sessions shall posted at city hall at least 24 hours prior to the date such work session meeting is actually held.

Notice of emergency Meetings shall be given to the public ~~at least 2 hours~~ prior to the meeting in a time-frame that is reasonable given the circumstances. Notice of an emergency meeting shall also be given to the media.

Failure to provide the notice contemplated by this Section shall not invalidate any action of the City Council taken at such meeting, provided that the requirements of the Sunshine Law are met.

If special accommodations are required, please contact the City Clerk a minimum of 24 hours in advance at 407-851-7730.

2.4 Conduct of Meetings.

Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order, as amended herein and when not inconsistent with these rules.

2.5 Regular Meetings.

Regular meetings of the City Council shall be on the first and third Tuesday of each month at 6:30 PM, as the council may prescribe by rule at the second meeting of April for each coming 12-month term.

Meetings will run until 9:00 PM and then adjourn. Any business not concluded by 9:00 PM will be carried over to the next regularly scheduled meeting unless a motion is passed by the Council to continue. The Council may pass a motion to continue the meeting for up to an additional hour but no longer. The Council will pass a motion to extend the meeting time only for such items on the agenda whose approval is time sensitive and cannot be delayed until the next meeting (i.e., contract approval, bids, time-sensitive items from another organization).

The Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate.

2.6 Special/Town Hall Meetings.

Special meetings of the City Council may be called, upon the request of the Mayor, or by a majority of Council Members at a duly noticed public meeting. A request for a special meeting shall be filed with the City Manager in written/electronic format unless made at a regular meeting at which a quorum of Council Members present. The City Manager and all Council Members shall be notified of all special meetings.

2.7 Emergency Meetings.

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall also be provided to the media in accordance with the Florida Government-in-the-Sunshine Law, Chapter 286.

2.8 Work Sessions.

Work Sessions are synonomous with workshops and are called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

2.9 Executive Sessions.

Executive Sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Sections 286.011(8) and 286.0113 of the Florida State Statutes and as otherwise provided by law. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Sunshine Laws.

The City Council can retire into an Executive Session as stated on a posted agenda during a regular or special meeting if a motion is duly made and seconded and affirmed by a majority of the Council. However, before the said session begins, the presiding officer shall announce that the Executive Session

is commencing. The order in which an Executive Session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created. No voting or action shall be taken by the City Council during an Executive Session. No other subject but that posted on the agenda is to be considered. Adjournment of the Executive Session and any vote needed shall be made during the open public meeting.

A member of the governmental body, city staff or other individuals who, without lawful authority, discloses to a member of the public matters made confidential under the Sunshine Law or public records laws may be subject to civil and/or criminal liability as provided by law. The notice, agenda, procedures, and record for and of Executive Sessions shall comply with all applicable statutory requirements.

2.10 Recessed Meetings.

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion duly passed.

2.11 Quorum.

A "quorum" is defined as a majority of the governing body unless otherwise defined by applicable law, rule or charter. A quorum of a governmental body's members must be present in order for the governmental body to exercise the authority delegated to it. A quorum of any governmental body must be present to convene an open meeting of that body under the Act.

2.12 Conflict of Interest.

A Council Member prevented from voting by a conflict of interest shall file a conflict of interest statement with the City Clerk as soon as possible after the posting of an agenda or as otherwise provided by Chapter 112 of the Florida Statutes, unless an applicable conflict of interest statement has already been filed.

A Council Member prevented from voting by a conflict of interest shall not vote on the matter, may choose not to participate in discussions regarding the matter or to attempt to influence the Council's deliberation of the matter in any way, shall not attend Executive Sessions regarding the matter, all in accordance with Section 112.3143, Florida Statutes, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest.

2.13 Presiding Officer.

The Mayor shall serve as the presiding officer for all meetings of the City Council. In the absence of the Mayor, the Vice-Mayor shall serve as the presiding officer. In the absence of the Vice-Mayor, the City Manager shall call the meeting to order if a quorum of the Council is present and the first order of business shall be for Council to elect by majority vote, a temporary presiding officer from the members then seated and in attendance. The temporary presiding officer shall serve in such capacity until the meeting is adjourned.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the Presiding Officer are final unless overruled by the City Council through a Motion to Appeal as described in these rules, Rosenberg’s Rules of Order, the City Charter, or other law.

The Presiding Officer is entitled to participate in the discussion and debate, but is not entitled to vote on business before the City Council if the Presiding Officer is the Mayor, in accordance with Section 3.08 of the City Charter. The Presiding Officer of boards and commissions other than the City Council is entitled to vote on business before such board or commission, and shall be the person selected by the board or commission as the chair, co-chair, or vice chair or as otherwise provided by law or applicable rule. If these persons are not in attendance, the board or commission shall choose a temporary presiding officer from among the members in attendance.

The Mayor, as the Presiding Officer, should follow the principles below:

- “Be on time and start on time.”
- “Be organized. The presiding officer should have a detailed, well-prepared agenda and stick to it.”
- “Be prepared. The presiding officer should be familiar with the procedural rules...”
- “Be a teacher. The presiding officer should keep the group working together by explaining procedure clearly and communicating the next order of business. If a motion is confusing, it is his [her] duty to clarify it. This may mean helping a member rephrase a motion.”
- “Be in control of the floor. The presiding officer should ‘assign’ the floor by recognizing those members who wish to speak by calling them by name. No other member may interrupt or call out remarks without being out of order. The presiding officer should remind such a member that the floor has been assigned and request that his [her] remarks be held until the floor has been assigned to him [her]. In addition, private discussion between members while another has the floor is out of order and disruptive members should be reminded of this rule.”
- “Be impartial. The presiding officer should impartially call on members wishing to speak. He [she] should give members on both sides of an issue an opportunity to speak...”
- “Be composed. The presiding officer should remain calm and objective, keeping the meeting moving.”
- “Be precise. The presiding officer should always restate the motion before taking a vote. After taking the vote, he [she] announces the result of the vote by interpreting the action taken. The presiding officer should always be certain about the results of a voice vote. He [she] may retake the vote by requesting a show of hands on his [her] own accord.”
- “Be focused. The presiding officer should not allow irrelevant discussion. Restate the question and, if necessary, directly request the member to ‘confine remarks to the pending question.’”
- “Be temperate. The presiding officer should use the gavel sparingly, tapping it once to open and close the meeting.”

* taken from “Roberts Rules in Plain English”

2.14 Minutes of Meetings.

The City Clerk shall keep an account of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Florida.

2.15 Suspension and Amendment of Rules.

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended or modified by a majority vote of the City Council and may be amended in a similar fashion if

such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purpose of this section, preliminary approval shall mean motion and a second with a majority vote to preliminary approve the amendment.

2.16 Commissioners.

Reference to Council Members, City Council Members, Commissioners, City Commissioners, and other references to members of the City Council in these Rules of Procedure are interchangeable.

ARTICLE 3. PARLIAMENTARY PROCEDURE

3.1 Purpose.

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and those who do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day.

These rules enable the majority to express their opinion and fashion a result while permitting the minority also to express itself and fully participate in the process.

3.2 Model Format for an Agenda Item Discussion.

The council recognizes and appreciates the importance of council discussion at every stage in each process. Debate/discussion is allowed prior to requiring a motion and second. During the debate/discussion, the presider shall call on a member who has not spoken on the issue before recognizing someone who has already spoken.

Council members shall avoid personal remarks directed toward individual council members. The presiding officer shall politely rule all such remarks as out of order. The council should follow the following debate/discussion principles*:

- “It is a good idea to begin your debate by telling the members which side you are speaking on...”
- “Organize your thoughts. Pay close attention to your delivery. Speak clearly and slowly, project your voice, and say it like you mean it. Organize your thoughts into two or three main points and communicate them during your debate time...Keep focused on the major reasons why you have taken your stand. Consider this as part of your meeting preparation.” *It’s a good idea to bring your concise notes to the meeting with you and actually take notes during the meeting to help you frame your debate/discussion comments.*
- “Only speak when called on” [by the presiding officer].
- “Direct all comments to the chair. Avoid directing comments to another member.”
- “Don’t be disruptive. Side conversations are not allowed.”
- “You can make corrections. If you hear information that you know is inaccurate, you have the right to call attention to the inaccuracy and to have the accurate information shared with the group. ... this must be done politely.”

* taken from “The Complete Idiot’s Guide to Robert’s Rules”

The following ten steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed and to take action on. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

1. *Announce the Item.* The Mayor should clearly announce the agenda item number and should clearly state what the subject matter of the agenda item is by reading the caption for the item being considered.
2. *Receive a Report.* The Mayor should call on the appropriate people to report on the item (usually the City Manager), including any recommendation they might have.
3. *Ask Clarifying Questions.* The Mayor should ask the Council Members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to

- the people who reported on the item, and they should be given time to respond.
4. *Seek Resident Input.* The Mayor should invite resident comments – or if a public hearing, open the public hearing after a motion, a second and a vote. Upon conclusion, the Mayor should announce that public input is closed, or if a public hearing, make a motion to close the public hearing after close the public hearing.
 5. *Motion First.* The Mayor should invite a motion from the City Council after debate is given on the merits of the item. The Mayor should announce the name of the member who makes the motion.
 6. *Motion Second.* The Mayor should determine if any member of the City Council wishes to second the motion. The Mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the Mayor.
 7. *Repeat Motion.* If the motion is made and seconded, the Mayor should make certain that everyone (including the audience) understands the motion. This is done in three ways:
 - a. The Mayor can ask the maker of the motion to repeat it;
 - b. The Mayor can repeat the motion; or
 - c. The Mayor can ask the City Clerk to repeat the motion.
 8. *Ordinance Title Read.* When an ordinance is on the agenda, the City Clerk shall read the title of the ordinance prior to discussion of the ordinance.
 9. *Discuss the Motion.* The Mayor should now recognize the members of the City Council to discuss the motion.
 - a. No Council Member shall speak unless recognized by the presiding officer. Council Members will try to limit their remarks to three (3) minutes.
 - b. No Council Member shall speak more than once on the same issue, nor make a motion until every member of the Council has had the opportunity to speak on the issue.
 - c. While a Council Member is speaking, no one shall interrupt him/her except the presiding officer or a member of Council making a point of order.
 - d. If there is no desired discussion, the Mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
 10. *Vote.* The Mayor calls for the vote. A simple majority vote determines whether the motion passes or fails. Unless a member of the Council seeks recusal from voting on any question where the vote would constitute a conflict of interest, all members of the Council, excluding the Mayor, shall vote upon every question, ordinance or resolution. Any Council Member refusing to vote unless so excused shall be entered upon the minutes as voting in the affirmative. Action items require a vote.
 11. *Announce the Outcome.* The Mayor announces the results of the vote and should also state what action (if any) the Council has taken. Unless a roll call vote, the Mayor should announce the name of any member who voted in the minority on the motion.

3.3 Types of Council Actions

The Council adopts standing policy for the City primarily in three forms: (1) Ordinances; (2) Resolutions; and (3) Voted Council Actions.

1. Ordinances

An ordinance adopted by the Council is a law of the City that may be enforced through the court system and as otherwise provided under the City Code and other law. The City Manager or any member of the Council may offer an ordinance for consideration by the Council. Copies of proposed

ordinances are furnished to members of the Council in their agenda packets. Copies of proposed ordinances are made available at City offices and will be furnished to residents upon request to the City Clerk.

A proposed ordinance may be amended at or after the first reading, but any ordinance that is substantially amended at or after the first reading may need to be subject to another first reading. An ordinance constitutes an official legislative action of the City Council, which action is a regulation of a general and permanent nature and enforceable as a local law.

2. Resolutions

A resolution is an expression of the City Council concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the City Council. Examples would include a resolution to define the scope and purpose of a Council committee, or a resolution to define the Council's policy on an issue. Resolutions are also used to document Council actions for reference. A list of resolutions is also maintained by the City Clerk.

3. Council Actions

In addition to ordinances and resolutions, Council policy may also be set by Council action. Those actions are documented in the minutes of the meeting. Council policy is also supplemented by administrative orders and decisions issued by the City Manager and other duly authorized offices of the City, such as clarifications to the personnel manual, or general orders of the police department. All administrative orders must be in conformance with the City's policies, Code, Charter, and Florida and federal law.

3.4 The Basic Motions.

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move for approval of the Ordinance as submitted," or "I make a motion that we deny the Resolution."

3.5 The Motion to Amend.

If a member wants to change a basic motion, he or she would have to motion to amend the original or previously amended motion. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the Ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

3.6 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Mayor decides that it is time to move on and call a vote on the motion.

3.7 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the Mayor must immediately call a vote on the motion, if seconded by another member.

- *Motion to Adjourn.* This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- *Motion to Recess.* This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess, which could last for a few minutes to several hours. It requires a simple majority vote.
- *Motion to Fix the Time to Adjourn.* This motion, if passed, requires the Council to adjourn the meeting at the specific time set in motion. For example, “I move we adjourn this meeting at Midnight.” It requires a simple majority vote.
- *Motion to Table.* This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Council meeting.
- *Motion to Remove from Table.* This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.
- *Motion to Limit Debate.* This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires two-thirds or super majority vote to pass. Meaning, the number of Council Members voting for the motion must equal four or more.
- *Motion to Object to the Consideration of an Item.* This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. (Normally, this motion is unnecessary, because the objectionable item can be defeated outright or tabled.)
- *Motion to Suspend the Rules.* This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

3.8 Motion to Reconsider.

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely, and it may not be considered unless the Council suspends the rules to consider it.

Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it MUST be ruled out of order by the Mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

3.9 Courtesy, Decorum and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings:

1. *Request to Speak.* Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition, the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The Mayor shall rule on the relevance of the comments. Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the Mayor from the further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a Citizen Comment Request Form and submit it to the City Clerk. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. *Order.* If a person fails to request to speak before speaking, the Mayor shall rule them Out of Order and remind them that they do not have the floor. While the Council is in session, all Council Members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor. Members of the City Council should not leave their seats during a meeting without first obtaining the permission of the Mayor, or making a Motion to Recess.
3. *Improper References Prohibited.* Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.

4. *Interruptions.* A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed to speak. Allowable interruptions or, points of order are as follows:
- a. *Point of Privilege.* The proper interruption would be: "Point of Privilege." The Mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
 - b. *Point of Order.* The proper interruption would be: "Point of Order." The Mayor would then ask the interrupter to, "state your point." Appropriate points of order related to anything that would not be considered the appropriate conduct of the meeting. For example, if the Mayor called for a vote on a motion that permits debate without allowing any discussion.
 - c. *Motion to Appeal.* If the Mayor makes a ruling that a member of the body disagrees with, then that member may appeal the ruling of the Mayor by stating, "motion to appeal." If the motion is seconded and after the debate if it passes by a simple majority vote, the ruling of the Mayor is reversed.
 - d. *Call for orders of the day.* This is simply another way of saying, "let's return to the agenda." If a Council Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
 - e. *Withdraw a Motion.* During the debate and discussion of motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn, and discussion on the motion shall cease. Council Members are free to make the same motion or another motion.

3.10 Enforcement of Rules and Procedures.

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Mayor under his or her own action, or upon a Motion to Enforce by any Council Member.

1. *Warning.* The Mayor may order any person (Council Member, staff member or audience member) in violation of these rules to be silent.
2. *Removal.* If, after receiving a warning from the Mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Mayor may order the person to leave the meeting. If the person does not leave the room, the Mayor may order the Sergeant-at-Arms to remove the person.
3. *Sergeant-at-Arms.* The Sergeant-at-Arms shall be the highest-ranking police officer in attendance at the Council Meeting or such other officer designated by the Chief of Police for that purpose. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the City

Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (FS 877.03)

4. *Resisting Removal.* Any person who resists removal by the Sergeant-at-Arms may be charged with violating FS 843.02.
5. *Motion to Enforce.* Any Council Member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the Mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

3.11 Council May Discipline its Own Members.

In the event a Council Member violates the Charter, these rules or any other Ordinance of the City, or acts in a manner that causes embarrassment or disgrace to the City of Belle Isle, the City Council on majority vote may discipline the offending member, including the Mayor.

The offending member shall be present at the meeting to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the meeting after being notified, the remaining members of the City Council may proceed in his or her absence.

The outcome of the meeting may be as follows and shall be made publicly in Open Session in accordance with the Florida Open Meetings Act:

1. *No Action.* The City Council chooses to take no action.
2. *Public Censure.* The City Council may choose to publicly censure the offending member through a resolution passed by majority vote and entered into the public record.

ARTICLE 4. PACKET PREPARATION, POSTING AND AGENDA ORDER

The City Manager, with input from the Mayor and City Clerk, shall ~~prepare and set the~~ agenda for the next meeting at least 4 business days prior to the meeting. The day the agenda closes (is set) shall be counted as a business day. For example the agenda will be set by noon on the Thursday prior to the next Council Meeting. The and meeting packet shall be ready for distribution at least 4 business days prior to the regular scheduled City Council Meeting and cause the same to be posted a minimum of 96 hours prior to the meeting. Agenda packets shall be delivered to the City Council, in the format requested by each Council Member, on or before 6:00 PM of the day of the posting, or within such other times as established by the City Council from time to time. In the event of a Special Meeting or an emergency meeting of the City Council, this provision shall be suspended when not the agenda shall be prepared and distributed within a reasonable time given the circumstances, all as inconsistent with the provisions of federal or state law or the City Charter the Sunshine Law.

Council Members may request an item to be included on a future agenda. For an item to be included, requests must be submitted to the City Manager's Office at City Hall by 12:00 noon on the seventh (7th) calendar day preceding the date of the regular meeting.

Failure to prepare or distribute the agenda within the time periods contemplated under this Section shall

not invalidate any action of the City Council taken at such meeting, provided that the requirements of the Sunshine Law are met.

4.1 Packet Preparation and Posting

1. Preparation of the Packet. Not later than the 4th business day ~~sixth day~~ prior to said meeting, the City Clerk shall ~~prepare-distribute~~ the packet, which shall include the agenda plus all its corresponding duplicated agenda items. Reports carried over Unfinished Business need not be reproduced again.
2. Distribution and Posting of Agenda.
 - a. The City Clerk shall post each agenda of the City Council regular meeting and special meeting within the guidelines in Section 2.3 above and Article 4 ~~no later than six days prior to the meeting and shall post each agenda of a special meeting at least 24 hours in advance of the meeting in on~~ the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.
 - b. The City Clerk shall also post agendas and packet materials and annotated agendas of all City Council meetings and notices of public hearings on the City's website.
 - c. ~~No later than six days prior to a regular meeting, copies of the agenda packet shall be emailed by the City Clerk to any resident of the City of Belle Isle who so requests.~~
3. Distribution of the Agenda Packet. The Agenda Packet shall consist of the Agenda and all supporting documents for agenda items. No later than ~~six days~~ 4 business days prior to a regular meeting, the City Clerk shall:
 - a) distribute the Agenda Packet to the Mayor, each Council member and City Manager;
 - b) post the Agenda Packet to the City's website;
 - c) place viewing copy of the Agenda Packet with the Receptionist;
 - d) make the Agenda Packet available to members of the press (if requested), and
 - e) make or email copies of the Agenda Packet ~~available to for~~ the public who requests a packet (standard copy rates will apply).
4. Failure to Meet Deadlines.
 - a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.
 - b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
 - A majority of the Council determines that the subject meet the criteria of "Emergency".
 - A majority of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda.
 - c) Matters listed on the printed agenda but for which support materials are not received by the City Council on the fifth day prior to the said meeting as part of the agenda packet, shall not be discussed or acted upon.

5. The City Council may by majority vote waive any provision or requirement of this Section

provided that all requirements of the Sunshine Law are met.

4.2 Call to Order.

The Mayor shall call the meeting to order.

4.3 Invocation/Pledge of Allegiance

All meetings of the City Council shall begin with an invocation and the Pledge of Allegiance to the United States flag.

4.4 Presentations and Proclamations.

The Mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

4.5 Citizen Comments.

Persons desiring to address the Council must complete and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes. Citizens may "donate" their time to another speaker; however, the total time given to any one speaker will be no more than ten (10) minutes unless a motion is passed by Council to allow more time. Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted.

4.6 Consent Agenda Items.

There is hereby established, as a part of every agenda for Regular and/or Special Called Meetings of the City Council, a portion of said agenda that shall be labeled "Consent Agenda." Said Consent Agenda may consist of any and all business regularly coming before the City Council including minutes of prior Council meetings.

All items set out in the Consent Agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the Consent Agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the Consent Agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

Any member of the City Council may request during the *Consider Approval of the Consent Agenda* segment, that an item be removed from the Consent Agenda and considered separately. Such request shall be honored as if it had been passed by majority vote. If any item was removed from the Consent Agenda, it will be considered immediately following approval of the remainder of the Consent Agenda.

4.7 Public Hearings.

This section is only used when a quasi-judicial hearing is part of the order of business. The Mayor shall first request staff comments. The Mayor shall make a motion to open the public hearing, receive a second, then open the public hearing to receive resident input in the following order: proponents, then opponents, then neutral. While the public hearing is open, Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for resident comments. Upon conclusion of resident comments, the Mayor shall close the public hearing, unless Council Members have a reason for continuing at which time council members may motion, second, then vote to not close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing. The following script may be used by the Mayor for public hearings:

Script for Public Hearing

This is the time scheduled for a public hearing regarding (subject of hearing). The hearing was published on the City's website on (DATE) (and/or in the Orlando Sentinel on (DATE), if so published). If you wish to speak at tonight's hearing, please make sure that you have completed a yellow speaker card and presented it to the City Clerk.

The City Council conducts public hearings and proceedings in a way that is fair and unbiased in both appearance and fact. I will now ask the members of the Council:

- Does any Commissioner have any interest in the property or the application?**
- Does any Commissioner own property within 300 feet of the property subject to the application?**
- Does any Commissioner stand to gain or lose any financial benefit as a result of the outcome of the hearing?**
- Can any Commissioner not hear and consider the application in a fair and objective manner?**
- Has any Commissioner engaged in any ex parte communications with either proponents, opponents, or others pertaining to the application and, if so, ask them to place on the record the identity and substance of any such communications so that interested parties have the opportunity at the hearing to rebut the communications?**

I will now ask if any members of the audience wish to challenge and member of the governing body on the appearance of fairness and the reasons for the challenge. (Any member challenged or who believes that he or she has a conflict should be given the opportunity to either disqualify or refuse to disqualify him- or herself as appropriate under Chapter 112 and/or Section 286.012, Florida Statutes.

At the end of questioning, the Mayor will also declare the same as above.

(If needed) I will now ask the City Clerk to administer the oath to all those who may testify, or as a group.

We will now hear the Staff Report.

We will now hear from the Applicant

We will now take public testimony from those who have submitted yellow cards.

(If no yellow cards were submitted) Is there anyone from the public who wishes to speak?

(If no public testimony, go to *)**

(If someone wants to testify):

The following are the rules of order for tonight's hearing:

- 1. No person shall speak without first being recognized by the Mayor.**
- 2. All speakers must speak into the microphone and give their names and addresses.**
- 3. All comments will be addressed only to the City Council.**
- 4. Each person will be allowed FIVE minutes to speak.**
- 5. No person shall "donate" their time to another speaker.**
- 6. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.**
- 7. There shall be no audience demonstrations such as applause, cheering, display, signs or conduct disruptive of the hearing. Such conduct may be grounds for immediate termination of the hearing.**
- 8. No person shall present irrelevant, immaterial, or unduly repetitious oral argument.**
- 9. The Mayor, other Council members, and, the City Manager or any other officer or employee of the City, may question any person who submits oral argument.**

We will now take public testimony. Prior to addressing the Council, please state your name and address. Testimony will be heard in the following order:

- 1. Those in favor**
- 2. Those in opposition**
- 3. Those neither in favor nor in opposition**

(Listen to testimony, when everyone is done):

Any rebuttal by staff or applicant

*****The public hearing on (subject) is now closed. City Council will deliberate on the issue.**

4.8 Ex-Parte Communications.

In all quasi-judicial hearings, all rulings must be based only upon the evidence presented at the hearing. In accordance with Section 286.0115(1), Florida Statutes, ex parte communications with City Commissioners or Board members in quasi-judicial matters is permissible, and the adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with City Commissioners or Board members:

- 1. The substance of any ex parte communication with a City Commissioner or Board member which relates to a quasi-judicial action pending before the Commission or Board is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.**

2. A City Commissioner or Board member may read a written communication from any person. However, a written communication that relates to a quasi-judicial action pending before the Commission or Board shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.
3. City Commissioners or Board members may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

Disclosure made pursuant to subparagraphs 1, 2 and 3 must be made before or during the public meeting at which a vote is taken on such matters so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.

4.9 Regular Agenda Items.

Items for individual consideration will be listed as “Unfinished Business,” which are those items that final action has not yet been taken, and “New Business” which are items that are appearing before Council for the first time. Items shall be considered by the City Council individually and approved by a simple majority vote.

4.10 City Attorney’s Report.

This section is used for routine reports and announcements provided by the City Attorney to the Council. It also is an opportunity for Council to ask questions of the City Attorney related to legal questions, project status, and clarifications.

4.11 City Manager’s Report.

This section is used for routine reports and announcements provided by the City Manager to the Council. It also is an opportunity for Council to ask questions of the City Manager related to project status and clarifications.

4.12 Mayor’s Report.

This section is used for *reports and* announcements provided by the Mayor to the Council. It also is an opportunity for Council to ask questions of the Mayor.

4.13 City Council Reports.

This section is used for reports and announcements provided by each Council member. The Council may request future items to be placed on a future agenda at this time. An additional member of the Council must concur with a request for an item to be placed on a future agenda. No discussion or deliberation of the items may take place at this time.

4.14 Adjournment.

The Mayor shall adjourn the meeting upon passage of the appropriate motion.

ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES

5.1 Purpose.

City Council may call and hold Work Sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of Work Session meetings.

5.2 Agenda.

Only a limited number of matters shall be considered by the City Council during a Work Session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all Work Session agendas.

5.3 Technical Questions.

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a Work Session. The council may, through the City Manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

5.4 Prohibitions Against Formal Actions.

No formal actions may be taken at a Work Session. The council may provide staff direction on the matter being considered and ask that the item be placed on a Regular or Special Called Meeting agenda for formal action.

5.5 Audience Comments or Questions.

Audience comments or questions will not be considered at a Work Session unless by a consensus of the Council.

ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS

6.1 Purpose.

It is the desire of the City Council to hear from the residents of Belle Isle and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

6.2 Mayor to State Rules for Citizen Comments.

Immediately preceding the opening of a public hearing, or resident input on an agenda item, or to receive comments on non-agenda items, the Mayor shall summarize the rules governing comments from the audience. The Mayor may direct the City Clerk to publish the rules in the Council Chambers.

6.3 Rules Governing Citizen Comments.

1. If a large number of residents wish to comment, the Mayor may set a limit on the amount of time devoted to citizen comments and the amount of time allowed for each citizen. It is suggested that a maximum of 30 minutes will be devoted to receiving comments from the public on agenda items. Each speaker is limited to a maximum timed limit of three minutes.
2. Citizens may “donate” their time to another speaker; however, the total time given to any one speaker will be no more than ten (10) minutes unless a motion is passed by Council to allow more time.
3. No individual may address the Council without submitting a Citizen Comment Request Form. The form must clearly state the subject or issue on which the resident wishes to speak. If the subject matter does not pertain to city business, the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
4. Residents speaking on agenda items shall restrict their comments to the subject matter listed.
5. Residents speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
6. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
 - a. Make a statement of specific factual information given in response to the inquiry, or
 - b. A recitation of existing policy in response to the inquiry.

Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting, or direct staff to review.

7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the Council Chambers.
8. No placards, banners or signs may be displayed in the Council Chambers or City Hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
10. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
11. Council meetings are the workplace to carry out the business of the City of Belle Isle; therefore, any conduct that could constitute harassment in the workplace is prohibited.
12. In all cases, the Mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

6.4 Preservation of Order.

The Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any person speaking out of order or disrupting the order of the meeting.

ARTICLE 7. BOARDS AND COMMISSIONS

7.1 General.

Boards and commissions are created under the powers of the City Council as outlined in the City of Belle Isle Charter. Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council.

7.2 Meeting Times and Agenda Order.

Boards, commissions, and committees shall set their own meeting times. All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda, so long as it is in accordance with the Florida Open Meetings Act.

7.3 Boards with Regulatory Authority.

The Planning and Zoning Commission has regulatory authority.

7.4 Boards without Regulatory Authority.

The Tree Advisory Committee and Special Events Committee do not have regulatory authority.

7.5 Appointments.

The City Council will review applications and/or interview eligible applicants for open positions on boards and commissions.

7.6 Board Members.

Members appointed to boards or commissions serve at the will of the Council and may be removed, replaced, or not reappointed at the discretion of the Council, by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards or commissions shall follow the rules of procedure set forth for the City Council.

7.7 Open Government Training.

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Florida Public Information Act and the Florida Open Meetings Act training videos as provided by the City Clerk.

7.8 Council Liaisons.

One Council Member may be appointed as the Council Liaison to the City Boards and Commissions. Council liaisons will be appointed by Council with consideration given to applicable expertise. Council liaisons may attend but are not required to attend, the meetings of the boards or commissions to which they have been appointed as liaison. Board and commission members may contact their Council liaison concerning items of concern or interest with regard to their appointed board.

7.9 Evaluation of the City Manager.

In order to establish and maintain effective City Council and Manager relationships, it is essential that the Council establish an ongoing evaluation process that offers an opportunity for each party to review the performance of the City Manager. This evaluation should focus on how effectively the City Manager is accomplishing the goals established by the City Council and how he/she is carrying out his/her responsibilities in the key performance areas.

Specifically, the evaluation should serve the following needs:

- 1) It will allow the City Manager and the Council to test, identify and refine their respective roles, relationships, expectations of and responsibilities to each other.
- 2) It allows the discussion of the City Manager's strengths and areas of needed improvement as demonstrated by past performance with the objective of increasing the City Manager's effectiveness; that is, it gives the Council the opportunity to provide positive feedback in areas that have been handled well and to outline clearly areas where the City Manager could become even more effective through improved performance.

PROCESS

- 1) The City Clerk will provide Evaluation forms to the Mayor for distribution to all Councilors.
- 2) Each Councilor completes the forms, signs them and returns one copy to the Mayor.
- 3) The Mayor tabulates the results of the evaluation forms.
- 4) The City Manager prepares a memorandum to the Council including his self-evaluation using the Self-Evaluation Form.
- 5) A composite evaluation form and the City Manager's self-evaluation are distributed to the Council by the Mayor prior to the evaluation meeting. A copy of the composite evaluation form is also forwarded to the City Manager by the Mayor prior to the evaluation meeting.
- 6) The Council meets with the City Manager in a scheduled meeting to jointly review the evaluation.
- 7) The Mayor will establish the operating ground rules for the session including, but not limited to, such considerations as location, time, or time considerations for any particular subject matter.
- 8) The evaluation process shall occur annually, as close to the anniversary of the hiring date of the City Manager, except that the Council may request an evaluation at any time.

TABLE OF MOTIONS AND POINTS OF ORDER

| MOTION/ORDER | REQUIRES SECOND | DEBATABLE | AMENDABLE | VOTE TYPE |
|--|------------------------|------------------|------------------|------------------|
| Basic Motion | Yes | Yes | Yes | Simple |
| Motion to Amend | * | No | Yes | N/A |
| Motion to Adjourn | Yes | No | No | Simple |
| Motion to Recess | Yes | No | Yes | Simple |
| Motion to Fix the Time to Adjourn | Yes | No | No | Simple |
| Motion to Table | Yes | No | No | Simple |
| Motion to Limit Debate | Yes | No | No | Super |
| Motion to Object to the Consideration of an Item | Yes | No | No | Super |
| Motion to Suspend Rules | Yes | No | No | Super |
| Motion to Reconsider | Yes | Yes | Yes | Simple |
| Point of Privilege | No | No | No | N/A |
| Point of Order | No | No | No | N/A |
| Motion to Appeal | Yes | Yes | No | Simple |
| Call for Orders of the Day | No | No | No | N/A |
| Withdraw a Motion | No | No | No | N/A |
| Motion to Enforce | Yes | No | No | Simple |

* For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the member who made the original motion.