



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: May 16, 2019
RE: RESOLUTION NO. 19-49: ADOPTING REVISED COMMISSION RULES OF ORDER

Introduction:

Resolution No. 19-49 approves the adoption of the revised Commission Rules of Order.

Background:

At the May 2, 2019, Commission meeting, the Commission was presented a revised Rules of Order based on the request by the Commission for staff to formalize the process to be used for the appointment of an Interim Commission. Based on the Commission's comments, the proposed revision was changed to allow an unlimited number of nominations.

Recommended Action:

Staff recommends approval of Resolution No. 19-49 and the revised Commission Rules of Order.

Attachments:

[Resolution No 19-49](#)

[Res 19-49 Exhibit A](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 10 May 2019
Approved - 10 May 2019

RESOLUTION NO. 19-49

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, RESCINDING AND REPLACING RESOLUTION NO. 15-44 IN ITS ENTIRETY AND ADOPTING RULES OF ORDER FOR CITY COMMISSION MEETINGS; PROVIDING FOR THE REPEAL OF ALL OTHER CONFLICTING RESOLUTIONS OR POLICIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Eustis believes that it is in the best interest of the Commission, staff, and citizens of Eustis to provide clear direction for the conduct of City Commission meetings; and

WHEREAS, the City Commission has determined the need to formalize the process to be utilized for the appointment of an Interim Commissioner and that said process should be incorporated into the Commission's current Rules of Order;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

- 1) That the City Commission Rules of Order, attached as Exhibit A, and as amended, will serve as guidelines for the effective operation of the business meetings of the City Commission; and
- 2) That any provisions of this Resolution may be suspended for good cause by the affirmative vote of at least three Commissioners and that the good cause shall be stated on the record; and
- 3) That if the City Commission fails to strictly abide by any provision of this Resolution, such failure shall not invalidate action taken by the City Commission or staff; and
- 4) That any Resolutions, parts of Resolutions, or Policies in conflict herewith are hereby repealed; and
- 5) That this Resolution shall take effect upon adoption.

DONE AND RESOLVED this 16th day of May, 2019, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this _____ day of _____, 2019,
by Michael L. Holland, Mayor, and Mary Montez, City Clerk, who are personally known to me.

Notary Public – State of Florida

My Commission Expires: _____

Notary Serial No: _____

CITY ATTORNEY’S OFFICE

This document is approved as to form and legal content for use and reliance of the City
Commission of the City of Eustis, Florida.

City Attorney’s Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution No. 19-49 is hereby approved, and I certify that I published the same by
posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and
one (1) copy hereof at the Parks & Recreation office, all within the corporate limits of the City of
Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Resolution No. 19-49 Exhibit A

City Commission Rules of Order

1. City Commission Meetings.

- (a) The regular meetings of the City Commission shall be held at least once each month of the year at the hour of 6:00 p.m. Any regular meeting falling upon a legal holiday or other date in which a majority of the Commission does not wish to hold a meeting shall be cancelled. As stated in the Charter, the City Commission will not meet less frequently than once each month. A scheduled of meetings shall be adopted annually at the organizational meeting in January. The City Manager, assisted by the City Clerk, is responsible for preparing the agendas and the respective ordinances, resolutions, and reports for each meeting.
- (b) The goal of the City Commission is to complete regular business meetings within two hours. In the event a meeting approaches the two hour goal, the Mayor shall confirm the Commission's desire to continue the meeting beyond two hours. The Commission may elect to end the meeting by majority vote and, in that event, the remaining agenda items would then be placed on the next regularly scheduled business meeting agenda unless the Commission directs otherwise.

2. Special Meetings and Notice.

- (a) Special meetings may be called by the Mayor or City Manager provided that at least forty-eight (48) hours written notice be given to the City Manager and City Clerk. The notice shall specify the date, time and place of the special meeting and the business to be transacted. No other business, other than as recited in the notice, shall be transacted at such special meeting.
- (b) The City Clerk shall be responsible for causing the notice to be delivered to each individual Commission Member at least twenty-four (24) hours prior to the meeting, and to give notice in compliance with state and local requirements.

3. Emergency Meetings.

An emergency meeting may be called by the Mayor or City Manager, providing such notice has been provided to the other members of the Commission, the City Manager, the City Clerk, the media and public as is practical under the circumstances. An emergency, necessitating such a meeting, is a perceived immediate threat to the health, safety or welfare of the community and as otherwise defined by Florida law. Emergency meetings shall be subject to the two hour goal the same as regular business meetings.

4. Workshops.

- (a) Workshops may be scheduled by the City Manager or by a majority of Commission Members. Workshops are opportunities for Commissioners to discuss issues and provide policy guidance to staff. The public may comment at workshops provided such comments are limited to three minutes per person. No formal votes may be held at

workshops, but non-binding “straw polls” may be used to express the intentions of the Commission.

Workshops may be held at any time agreeable to Commissioners, but staff will strive to hold workshop seminars at the conclusion of Regular Meetings whenever possible.

- (b) Workshops are required to be properly noticed. The City Clerk shall be responsible for noticing the workshop in accordance with state and local requirements.

5. Quorum.

- (a) A quorum for the transaction of business shall consist of three (3) Commission members.
- (b) If no quorum is present the meeting shall be adjourned and all agenda items will be added to the agenda of the next scheduled meeting.

6. Cancellation of Meeting.

Whenever a commission meeting is cancelled after the agenda for that meeting has been distributed or published, the items on that agenda shall be automatically postponed to the next regular or special regular meeting of the City Commission.

7. Closed Meetings or Sessions.

- (a) All meetings of the City Commission shall be open to the public; provided, however, the City Commission may hold meetings or sessions closed to the public as provided for by state or local regulations.

8. Presiding Officers.

- (a) Whenever the term "Presiding Officer" is used, it shall mean the Mayor, and if the Mayor is absent, it shall apply equally to the Vice-Mayor, and if the Vice-Mayor is also absent, to the temporary presiding officer elected pursuant to this section. For quasi-judicial matters, the City Attorney may serve as the Presiding Officer upon request.
- (b) The Mayor shall preside at all meetings of the Commission.
- (c) During the absence of the Mayor, the Vice-Mayor shall preside at the meetings and study sessions.
- (d) In the absence of the Mayor and the Vice-Mayor, the City Clerk shall call the Commission to order, whereupon a temporary meeting presiding officer shall be elected by the majority vote of Commission Members present as their first order of business. Upon the arrival of the Mayor or the Vice-Mayor, the temporary presiding officer shall relinquish the chair at the conclusion of the item of business then before the Commission.

- (e) The Presiding Officer may move, second, debate, and vote and shall not be deprived of any of the rights and privileges of a Commission Member. The Presiding Officer or such person as he or she may designate may verbally summarize the item to be voted upon immediately after it has been moved and seconded and may restate each question immediately prior to calling for the vote. After a Motion is made and there is a second, the Commission may discuss the matter. A Commissioner may speak only if recognized by the Mayor. The Mayor may close the discussion once the Mayor deems it appropriate and shall then ask the clerk for a Roll Call vote. Following the vote, the Presiding Officer shall announce whether the question carried or was defeated.

If there is no second to a Motion made, the Mayor may note that the Motion died for lack of a second and may request that an alternative Motion be made.

The Presiding Officer shall maintain order and decorum at all meetings. He or she shall decide all questions of order and procedure subject, with the counsel, if necessary, of the City Attorney.

9. Decorum of Members.

- (a) Every member, previous to his or her speaking, shall address the Presiding Officer and shall not begin to speak until recognized and named by the Presiding Officer. He or she shall confine comments to the question under debate and will refrain from impugning the motives of any other member's argument or vote.
- (b) A member, when called to order by the Presiding Officer, shall thereupon discontinue speaking.

10. Presentation of Agenda Items, Revisions, Additions and Deletions.

- (a) In order to facilitate the orderly conduct of business, staff shall prepare an agenda for each Commission meeting. An "agenda" shall consist of an agenda summary sheet listing items to be considered at a meeting.
- (b) Subject to these rules, items of business may be placed on a regular meeting agenda by any Commissioner, the City Manager or the City Attorney. Except as provided in Section 3, Emergency Meetings, staff shall not change the agenda after 5:00 p.m. on the Friday before the Commission meeting; however, supplemental information may be added as necessary.
- (c) When a Commission Member wishes to place an item on the regular meeting agenda, the item shall be presented to the City Manager's office no later than 10 days preceding the Commission meeting so that the information may be included as part of the regular agenda which will be distributed to the members preceding the meeting.

An item may be added to the agenda at a meeting if the majority of the Commission approves, but such items should generally be of a ministerial nature.

- (d) Any agenda item which has been noticed to the public can only be removed from the agenda with the approval of the City Commission. If the Commission agrees to remove an item from the agenda, the Presiding Officer shall first give the public an opportunity to speak on the item.
- (e) No item shall be placed on an agenda which is substantially similar to an item voted upon by the Commission within the last nine months unless three or more Commissioners agree. During other business at a regular Commission meeting, the Commission shall discuss and vote on whether such an agenda item should be formally reconsidered by the Commission on a future agenda.

11. Order of Business.

At any regular or special meeting, the Commission shall proceed to transact the business before it in the following order as applicable on a meeting by meeting basis:

- (1) Invocation
- (2) Pledge of Allegiance;
- (3) Call to order;
- (4) Acknowledgement of quorum present and proper notice given;
- (5) Agenda update;
- (6) Approval of minutes;
- (7) Presentations;
- (8) Audience to be heard;
- (9) Consent Agenda;
- (10) Ordinances, Public Hearings and Quasi-Judicial Hearings;
- (11) Other business;
- (12) Future Agenda Items;
- (13) Comments:
 - (a) City Commission
 - (b) City Manager
 - (c) City Attorney
 - (d) Mayor
- (14) Adjournment.

12. Public Request to Address Commission.

- (a) It is the policy of the Commission to permit and encourage input and comments by members of the public on all matters which may come before the Commission for action other than those items strictly of ministerial nature such as approval of minutes and issuance of ceremonial proclamations. Input and comments by the public can be made during the Audience Participation segment of the meeting or on specific items on the meeting agenda. While input and comments by the public are encouraged, the Commissioners shall not engage in debate with members of the public. Clarifying questions by a Commissioner regarding comments or input by a member of the public are permitted after being acknowledged and given the floor by the Mayor. The presiding officer may limit public comment to three minutes per person.
- (b) No person shall address the Commission without first securing the recognition of the Mayor or Presiding Officer by requesting permission to speak. The normal time allowed for individual comments shall be three minutes, but may be extended by the

Presiding Officer. The Presiding Officer shall strive to provide equal opportunity for individuals to address the Commission at the appropriate times during the meeting. Each person addressing the Commission shall complete a "Request to Speak" card available from the City Clerk which shall include the individual's name, whether or not they are a City resident, the issue upon which they wish to speak and the name of any organization they may be representing. The card shall be submitted to the City Clerk either prior to addressing the Commission or before the end of the meeting.

- (c) Each person desiring to address the Commission shall approach the podium, state his or her name for the record, state the subject, state whom he or she is representing if he or she represents an organization or other persons, and complete their remarks within the normal time limitation unless further time is granted by the Presiding Officer. All remarks shall be addressed to the Commission as a whole and not to any member thereof. Questions asked of Commission Members or City staff shall be rhetorical in nature and not directed to individuals. The Presiding Officer shall ensure that public input and comments are related directly to the agenda item then under discussion. Comments and input during the Audience Participation segment may be on any topic.
- d) Organized groups of individuals may be directed by the Presiding Officer to select a single spokesman to address the Commission on behalf of the group or organization.
- (e) Exemptions from public input
The following are situations which are exempt from the public input requirement:
 - 1) Emergency situations affecting the public health, welfare or safety if compliance with the speaking requirements would cause an unreasonable delay in the Commission's ability to act;
 - 2) When the Commission is acting in a quasi-judicial capacity with respect to the rights or interests of a person at which time the statutory rules for quasi-judicial proceedings shall apply;
 - 3) At any meeting of the Commission which is exempt from the Sunshine or Open Meetings Law (FSS 286.011)

13. Voting.

- (a) When the Clerk has commenced to call roll of the Commission for the taking of a vote, all debate on the question before the Commission shall be deemed concluded. During the taking of the vote a member shall be permitted to briefly explain his or her vote and shall respond to the calling of his or her name by the Clerk by answering "Aye" or "Nay" as the case may be.
- (b) The Clerk shall call the roll alphabetically by last name on a rotating basis so that every Commission Member shall have the opportunity to speak first on an issue at one time or another, provided the Presiding Officer shall always be the last to voice his or her vote. The list shall be rotated at each regular meeting of the Commission.
- (c) Unless otherwise specified by these rules, all ordinances, resolutions or motions shall be passed by the affirmative vote of no less than a majority of Commission Members present.
- (d) A roll call vote shall be required for the following:

- (1) All resolutions.
 - (2) All ordinances.
 - (3) All motions to create an office or a position of employment or to spend any money.
- (e) The Presiding Officer may utilize a voice vote for the approval of minutes or other matters where a roll call vote is not required by law; provided, however, that a roll call vote shall be taken upon the timely request of any Commission Member.
 - (f) A vote lacking the required number of affirmative votes shall constitute defeat of a Motion.
 - (g) A Commission Member may change his or her vote only if a timely request to do so is made prior to the announcement of the vote by the Presiding Officer.
 - (h) Unless otherwise provided for by statute, if a Commission Member present has reason to think a conflict of interest may exist on a particular matter, he or she shall, after consultation with the City Attorney, so state the nature of his or her disqualification in the open Commission meeting. A Commission Member who so announces a conflict of interest in any matter may remain seated during the debate or may leave. However, he or she shall not vote or otherwise participate on such matter. A Commission Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter. The City Clerk and City Attorney shall assist the disqualified Commissioner in filing the necessary documentation (Form 8B – Memorandum of Voting Conflict) which will then be incorporated into the official minutes of the meeting.
 - (i) Where lack of a quorum occurs during the course of a convened meeting resulting from the temporary absence of a Commission Member, the minutes shall be so noted, and the matter under consideration shall be considered as having been postponed until the next regular meeting. The meeting may continue after the postponement has been announced by the Presiding Officer and the member breaking the quorum has resumed his or her presence, otherwise the Presiding Officer shall declare the meeting adjourned after such announcement.
 - (j) The Presiding Officer should announce the vote upon every matter upon which a vote is taken.
 - (k) On workshops and other matters not requiring a vote, the Commission may take a straw poll of matters not requiring a vote to provide staff with clear direction on what the majority of the Commission desires for future action by staff.

14. General Procedures.

- (a) At the commencement of each meeting, the mayor may, in the mayor's discretion, make any of the following announcements when the mayor calls the meeting to order:
 - (1) Please turn off all cell phones;

- (2) If you are commenting this evening, please fill out a card with your contact information which the City Clerk can provide to you;
 - (3) Should there be any comments, please approach the podium, state your name, whether or not you are a City resident, and direct your comments to the Commission (not individual commissioners or other members of the public); and/or,
 - (4) Observe general rules of decorum and civility (speak one at time, avoid personal attacks, avoid profanity and shouting, speak only to the issue at hand).
- (b) For Legislative Ordinances (not quasi-judicial matters and ordinances), after an ordinance's title is read, the appropriate staff member shall present to the Commission information regarding the proposed action after which the Commission may question the staff further regarding the issue at hand. Once all Commission questions are addressed, the City Attorney shall ask whether any member of the public has any comment. If there is public comment, the Mayor and Commission shall listen to the public comment. The Mayor may limit public comment on legislative ordinances to three minutes. During public comment Commissioners may ask questions of those commenting, but shall not debate the matter with the party commenting. After public comment is closed, the Commission can then discuss the matter in the order recognized by the Mayor. If there is no public comment or after public comment is made, the Mayor may then ask for a Motion from the Commission. After a Motion is made and there is a second, the Commission may further discuss the matter. A Commissioner may speak only if recognized by the Mayor, and the Mayor shall strive to ensure all Commissioners have equal opportunity to speak to each issue. The Mayor may close the discussion once the Mayor deems it appropriate and shall then ask the Clerk for a Roll Call vote.

If there is no second to a Motion made, the Mayor may note that the Motion died for lack of a second and may request that an alternative Motion be made.

- (c) For quasi-judicial matters, the Commission shall follow the procedures set forth in section 102-25 of the Land Development Regulations.

15. Minutes and Documents.

- (a) Minutes of all regular and special meetings shall be electronically recorded. Such minutes shall be maintained in the office of the City Clerk. The minutes shall reflect:
 - (1) The date, time and place of the meeting or session;
 - (2) The members recorded as either present or absent;
 - (3) A general description of all matters proposed, discussed or decided; and
 - (4) Record of any votes taken.

- (b) A Commission Member may request, through the Presiding Officer, the privilege of having his or her comments or written statement entered into the minutes concerning any matter pending before the Commission.
- (c) Such minutes may be revised at any time by the Clerk to correct spelling, numbering and other such technical defects. Prior to approval, any member may, through the Presiding Officer, request amending or correcting the minutes. If objection is made by any Commission Member to such amendment or correction, a majority vote of the Commission shall be necessary for adoption of the correction or amendment.
- (d) The City Clerk's office is not required to prepare verbatim transcripts or parts of any minutes of City Commission meetings unless the City Commission, by majority vote, directs verbatim transcripts for any parts of any minutes it deems necessary and proper for conduct of internal affairs of the City or when required for closed meetings.
- (e) The Mayor shall sign all ordinances, resolutions and other documents requiring his or her signature. If the Mayor is unavailable to do so, the Vice-Mayor shall be permitted to sign all ordinances, resolutions and other documents requiring the Mayor's signature in his or her absence.

16. Failure to observe procedures.

These rules are adopted to expedite the transaction of the business of the Commission in an orderly fashion and are deemed to be procedural only. The failure to strictly observe such rules by the Commission shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting that is otherwise held in conformity with law.

17. Disruption of Meetings.

No person shall interrupt, disturb or disrupt any regular or special meeting or study session of the Commission. Upon direction of the Presiding Officer, any such person shall leave the Commission Chambers and the City Hall. Any Commissioner may request that the City Manager provide a uniformed law enforcement officer for any regular or special meeting or study session of the Commission.

18. Amendment of Rules.

These rules may be amended by the affirmative vote of no less than three (3) Commission members.

19. Commission Policies.

- a) The Commission may from time to time consider the adoption of certain written guidelines to provide policy guidance to City staff.
- b) The Commission shall approve such policy guidelines by resolution.
- c) Such guidelines shall constitute general guidance to the City staff and shall not have the force and effect of law, but shall serve as a statement of desired outcome in a particular area or situation.

- d) The members of the City staff charged with implementation or monitoring of a policy once adopted, and in any event the City Manager, shall endeavor to function in accordance with the written guidelines unless circumstances otherwise dictate.
- e) In the event the member of the City staff charged with implementation or monitoring of a policy determines that the policy is no longer feasible or desirable, either in whole or in part, such member shall bring the matter to the attention of the City Manager, who shall make recommendations to the City Commission regarding the matter.
- f) Written policies, once adopted by the City Commission, shall remain in force until rescinded by resolution of the City Commission.

20. Filling of commission vacancies

In the event that a vacancy occurs on the Commission due to resignation, death or other unforeseen circumstance, pursuant to the City Charter, the Commission is tasked with appointing a replacement who shall serve until the next regular election. To facilitate this task, the following procedure is hereby adopted:

- a) Upon declaration of a vacancy by the Mayor, the Commission shall direct the City Clerk to advertise the vacancy and set a deadline for submittal of applications for appointment. At the same time, the Commission shall select a date for a special meeting at which applicants will be interviewed by the Commission and a selection will be made. In the event that an agreement on an interim commissioner cannot be made at that meeting, the Commission has the option of re-opening the application period to receive additional applications.
- b) The qualifications for appointment shall be the same as for a candidate for election to the Commission. Those qualifications are as follows: 1) Applicant must be a registered elector of the city of Eustis; and 2) Applicant must have resided within City limits for no less than one year prior to application. The one year may include the time before and after annexation if the property has been recently annexed into the City.
- c) Process to be used for election of the interim commissioner:
 - 1) The Mayor will open the floor to nominations. Nominations will be accepted until no further nominations are offered.
 - 2) Once it appears that no further nominations are forthcoming, the Mayor will ask for a motion to close the nominations. The motion must be seconded and a roll call vote will be taken.
 - 3) The City Clerk will then conduct a roll call vote on each nominee in alphabetical order. The alphabetical order is intended to negate the possible advantage for whomever was nominated first. If there is a tie between nominees receiving the most votes, a second vote will be taken on only the tied nominees. If there is still a tie after a second vote is taken, the Commission will discuss the applicants and whether to re-open the application period.
- d) Once one nominee has received the majority of the votes, the nominee will be formally appointed via resolution.
- e) Once the resolution has passed, the City Clerk will administer the Oath of Office and the interim commissioner shall assume their seat on the dais.