

**RESOLUTION NO. 2003-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, ESTABLISHING RULES OF PROCEDURE FOR MEETINGS OF THE CITY COUNCIL OF THE CITY OF MARATHON; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, meetings of the Marathon City Council must proceed in the most efficient manner possible; and

**WHEREAS**, each member of the Marathon City Council must have an equal opportunity to participate in the decision making process; and

**WHEREAS**, the residents of Marathon have a right to speak and be heard at meetings of the Marathon City Council; and

**WHEREAS**, establishment of rules of procedures for meetings of the Marathon City Council will help achieve the aforementioned worthwhile goals.

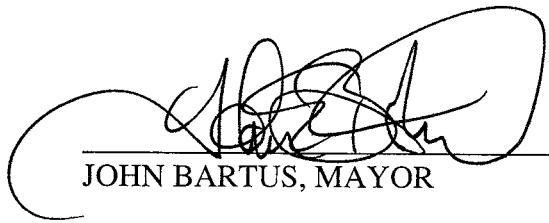
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**Section 1.** **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** **Rules of Procedure.** The Rules of Procedure attached hereto as Exhibit "A", are hereby approved and adopted.

**Section 3.** **Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 13th day of November, 2002.

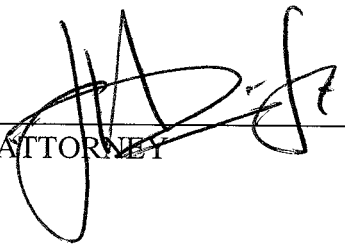


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JOHN BARTUS, MAYOR

ATTEST:

*Katherine V. Selchan*  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



\_\_\_\_\_  
CITY ATTORNEY

## EXHIBIT "A"

### RULES OF PROCEDURE FOR MEETINGS OF THE MARATHON CITY COUNCIL

#### **RULE 1. AGENDA**

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

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

#### **RULE 2. PUBLIC ADDRESS TO THE CITY COUNCIL**

The City Council shall set aside a portion of every regular meeting for "Sounding Board." Residents who wish to address the Council about items not on the agenda for the meeting shall do so by signing up for Sounding Board. A resident who wishes to address the Council on a particular item on the agenda shall do so by signing up in advance of the particular item on which he or she wishes to speak. Unless otherwise granted by a majority of the Council, speakers shall limit their presentations on any issue or agenda item to three (3) minutes.

Any individual, group, business, or agency that wishes to make a presentation to the City Council shall have a City Councilmember sponsor their request to be placed on the agenda. Such presentations, unless otherwise approved by a majority of the Council, shall be limited to ten (10) minutes.

#### **RULE 3. ORDER OF BUSINESS**

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

- Discussion/revision/adoption of final agenda
- Awards/Recognition
- Committee Reports
- Quasi Judicial Items

- Ordinances
- Resolutions
- Sounding Board
- Presentations
- Discussion Items
- Consent Agenda
- Mayor/Council Communications
- Staff Communications

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

**RULE 4. ACTION BY THE BOARD**

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

**RULE 5. SECOND REQUIRED**

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

**RULE 6. DEBATE**

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

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

**RULE 7. ONE MOTION AT A TIME**

A Councilmember may make only one motion at a time.

**RULE 8. SUBSTANTIVE MOTIONS**

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

**RULE 9. ADOPTION BY MAJORITY VOTE**

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

**RULE 10. PROCEDURAL MOTIONS**

- (a) **Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise

noted, each motion is debatable, may be amended, and requires a majority of votes cast, for adoption. Procedural motions are in order while a substantive motion is pending, and at other times, except as otherwise noted.

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

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

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

**Motion 3. To Take a Brief Recess.**

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

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

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

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

**Motion 8. To Amend.**

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

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

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

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

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

#### **RULE 11. RENEWAL OF MOTION**

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

#### **RULE 12. WITHDRAWAL OF MOTION**

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

#### **RULE 13. DUTY TO VOTE**

No Councilmember shall be excused from voting except as provided for by Florida Law.

#### **RULE 14. ADJOURNMENT OF MEETINGS**

Council meetings shall adjourn no later than 11:00 p.m. All staff and City Councilmembers shall use their best efforts to arrive at a Council Meeting no later than 6:15 p.m.