

Sponsored by: City Attorney

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2013-84**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY MARATHON, FLORIDA, AMENDING THE RULES OF PROCEDURES FOR MEETINGS OF THE CITY COUNCIL OF THE CITY OF MARATHON; REPEALING ALL RESOLUTIONS AND RULES OF PROCEDURE INCONSISTENT WITH THIS RESOLUTION AND THE RULES OF PROCEDURE ADOPTED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, staff has identified amendments that should be made to the Marathon City Council rules and procedures to comply with state law regarding public comments and to update the order of agenda items to conform to the way the agenda is currently compiled and published.

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


**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The Rules of Procedure for Meetings of the Marathon City Council, attached hereto as Exhibit "A," are hereby approved. All Resolutions and Rules of Procedures inconsistent with the Rules of Procedure adopted herein are repealed.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 24<sup>th</sup> DAY OF SEPTEMBER, 2013**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Mike Cinque, Mayor**

AYES: Snead, Ramsay, Keating, Cinque  
NOES: None  
ABSENT: Bull  
ABSTAIN: None

ATTEST:

*Diane Clavier*

\_\_\_\_\_  
Diane Clavier, City Clerk

CITY SEA

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

\_\_\_\_\_  
City Attorney

*[Handwritten signature]*

# 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, will 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 will be attached to each proposed agenda item. Upon completion of the proposed agenda, each Councilmember will receive a copy of the proposed agenda and supporting documentation, and the agenda will be made available for public inspection and distribution at City Hall and on the City's webpage.

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

## RULE 2. PUBLIC ADDRESS TO THE CITY COUNCIL<sup>1</sup>

The City Council will set aside a portion of every regular meeting for residents who wish to address the Council about items not on the agenda for the meeting. They will do so by signing up for item "Citizens' comments on agenda items other than those appearing on the agenda" [Those who have signed in will be given the first opportunity to speak. Time is limited to 2 minutes per speaker and 30 minutes total time for this agenda item.].

A resident who wishes to address the Council on a particular item on the agenda will do so by signing up for the item on which they wish to speak. Unless otherwise granted by a majority of the Council, speakers will limit their presentations on any issue or agenda item to three (3) minutes.

Residents may also speak during the public hearing process under, "Public hearings" [Those who have signed in will be given the first opportunity to speak. Time is limited to 5 minutes per speaker.], or during "Citizens' comments" [Those who have signed in will be given the first opportunity to speak. Time is limited to 5 minutes per speaker].

Any individual, group, business, or agency that wishes to make a presentation to the City Council will have a City Councilmember sponsor their request to be placed on the agenda. Such presentations, unless otherwise approved by a majority of the Council, will be limited to five (5) minutes.

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<sup>1</sup> The federal and state 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.

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

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

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Agenda and Consent Agenda
- City Council Items – proclamations, presentations and reports (**public comment if action item**)
- City Manager Report – monthly department reports
- City Attorney Report
- Citizens' Comments on Agenda Items Other Than Those Appearing on the Agenda
- Public Hearings
  - A. Ordinances for Public Hearing and Enactment (**public comment**)
  - B. Resolutions Requiring Public Hearing (**public comment**)
  - C. Quasi-Judicial Items (**public comment**)
- Resolutions for Adoption (**public comment**)
- Citizens' comments
- Council comments (non-substantive & non-discussion comments)
- Adjournment

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

### **RULE 4. ACTION BY THE COUNCIL**

Except as otherwise provided for in these rules of procedure, the Council will 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 will state the motion and then open the floor to debate. The Mayor will 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 will 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 will 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, 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 will 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 will be treated as a motion to amend.

(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**

Every member present, when a question is put, shall vote unless the Councilmember has a conflict of interest. Any Councilmember abstaining from voting must make a brief statement why he/she is not voting on the item and fill out all appropriate paperwork to be filed with the City Clerk, pursuant to Chapter 112, Fla. Stat.

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

Council meetings will adjourn no later than 11:00 p.m., unless the meeting is extended by a majority of the Council then present. All staff and City Councilmembers will use their best efforts to arrive at a Council Meeting no later than 5:30 p.m.

#### **RULE 15. INTERPRETATION OF RULES**

On matters involving parliamentary procedure not provided for in these Rules of Procedure, the City Attorney's latest revised edition of Robert's Rules of Order shall be referenced by the Mayor as persuasive rather than binding, and the Mayor's determination shall be final. Upon request by a Councilmember, the City Attorney shall interpret these Rules of Procedure and Robert's Rules of Order for the Council.