

CITY OF PENSACOLA

CITY COUNCIL

RULES AND PROCEDURES

“The City Council shall determine its own rules of procedure and order of business....”

City Charter 4.03(b)

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Article I. Council Meetings

Section 1.01 Regular Meetings

Regular meetings of the City Council shall be held at least once each month beginning at 5:30 p.m. in the Council's Chamber, City Hall, First Floor, 222 West Main Street, Pensacola, Florida, or at such other temporary location selected by the President as may be required should its Chamber be unavailable. The Council shall generally adopt its regular meeting schedule for the following calendar year at a regular meeting held in December of each year. The Council may reschedule or cancel meetings so long as at least one noticed, regular meeting occurs each month. No scheduled meeting shall be rescheduled without a majority vote of council, except in cases of emergency or extreme hardship.

Section 1.02 Leroy Boyd Fora

For a period not to exceed one-half hour near the beginning of each regular Council meeting, and again at some point near the conclusion of regular Council business during each regular Council meeting, the Council shall invite public comment upon any subject not on the agenda unless waived by a majority of the existing membership of Council. Public comment shall be limited to three (3) minutes per speaker. The time limit for public input may be reduced in the President's discretion to accommodate a larger number of speakers. A speaker's time may not be given to another.

Section 1.03 Special Meetings

Special meetings may be held as provided in the City Charter, and shall be held in the Council's Chambers, or at such other location within the City of Pensacola as may be specified by the President and set forth in the notice of meeting. When practicable, seventy-two hours' notice of the meeting shall be given to the members and the media by email. The matters to be considered in the special meeting shall be included in the notice of meeting. No action unrelated to the noticed matters shall be taken.

Section 1.04 Workshops

Council Workshops may be held as necessary to allow Council members to informally discuss matters of concern or interest. Workshops shall be held in the Hagler-Mason Conference Room, 222 West Main Street, Second Floor, City Hall, Pensacola, Florida, or at such other location as may be selected by the Council or the President. Any topic may be referred to a Workshop by the President, from the Agenda Conference, a Council Meeting or a Workshop by affirmative vote of a majority of the Council members present either specifying the date or leaving the date to the discretion of the President. Council Memoranda are not required for Workshop items and

topics, but Council may instruct that a Council Memorandum or other background information be obtained for a particular matter to be discussed at the Workshop.

The matters to be considered shall be included in the notice of the workshop. No other matters shall be considered without the consent of a majority of Council. When practicable, seventy-two hours' notice of the Workshop shall be given to the members and the media by email. No formal or binding action by the City Council may be taken in a workshop. Unofficial "straw votes" may be taken to determine a non-binding consensus on any matter. Public input may be allowed or denied during a workshop as shall be determined, and as may be revised, by the Council during the workshop. Unless imposed by majority vote of members present, the only limitation upon the number of times, or the duration, of a member's comments on a subject shall be at the discretion of the chair, exercised in a manner to permit all members to contribute within the time allotted.

The President shall initially preside over the workshop, but the first order of business after the roll call, shall be the selection of a member to chair the workshop, by consensus or motion. The president shall chair if no alternate selection is made. It is the intent of the Council that a member calling forth the topic for the workshop or particularly interested in the topic should chair the meeting. If more than one topic is to be discussed, the Council may, but shall not be required to select a separate chair for each topic.

Section 1.05 President as Presiding Officer

The President shall preside at every meeting or conference of the Council and have equal participation. The President will not be required to relinquish the chair when making motions and seconds or during debate. At the hour appointed, the President shall call the Council to order and, for a regular or special meeting determine whether a quorum is present. The President shall sign all ordinances, resolutions, subpoenas or other writs ordered by the Council.

The President shall preserve order, speak to points of order and decide all questions of order raised subject to appeal to the Council by any member. On appeal, no member may speak more than once and no more than one (1) minute. An appeal is settled by a majority plus one vote of the members present for or against the question "Shall the decision of the President be sustained." If not sustained, then the President shall make an alternate ruling subject to appeal to the Council by any member. In so doing the President shall attempt to ensure that matters are considered individually and in an orderly fashion, that members have a reasonable opportunity to express their views on matters before the Council and to respond to the views of others on that same matter, but not to the point of redundancy or personal attack. The President shall

have control of the Council Chamber or meeting room and the connecting halls and corridors, and in case of disturbance or disorderly conduct cause the same to be cleared.

Other duties of the President include:

- (a) Monitoring preparation of agenda and ultimate approval of scheduling of agenda items as elsewhere provided in these rules;
- (b) Annual evaluation of Council Executive and any other Council staff reporting directly to the Council;
- (c) Execution of City Council Minutes to evidence approval by the Council; and
- (d) Any other matter directed by Council.

The Vice President shall exercise all duties of the President during the President's absence or disability, and shall assume the Chair at the request of the President. In the event of the absence or disability of both the President and Vice President, not constituting a vacancy in either office, the Council may, but shall not be required to, elect one of its members Interim President until one of those officers returns to serve.

Section 1.06 Order of Business

(a) Regular Meetings

The order of business during regular Council meetings shall be:

- 1) Call to Order, Roll Call and Determination of Quorum.
- 2) Invocation and Pledge of Allegiance.
- 3) Rules of Decorum.
- 4) First LeRoy Boyd Forum.
- 5) Awards.
- 6) Approval of Minutes.
- 7) Approval of Agenda.
 - a. Call for transfer of any consent item to regular agenda.
 - b. Call for reordering of items.
 - c. Vote on Agenda
- 8) Consent Agenda.
 - a. Presentation of remaining consent agenda items.
 - b. Call for public input on remaining Consent Agenda Items.
 - c. Vote on consent agenda.

- 9) Regular Agenda.
- 10) Council Executive Report.
- 11) Mayor's Communication.
- 12) Council Communications.
- 13) Civic Announcements.
- 14) Second Leroy Boyd Forum.
- 15) Adjournment.

(b) Special Meetings

The order of business during special Council meetings shall be:

- 1) Call to Order, Roll Call and Determination of Quorum.
- 2) Invocation and Pledge of Allegiance.
- 3) Noticed Business in Agenda Order.
- 4) Adjournment.

(c) Workshops

- 1) Call to Order and Roll Call.
- 2) Selection of Chair.
- 3) Determination of Public Input.
- 4) Noticed Business.
- 5) Adjournment.

(d) Quasi-Judicial Hearings

(e) Flexibility of Agenda

At the time appointed for Approval of the Agenda, the Council may reorder the Agenda items. The designation of an item marked for discussion or information in a Regular Meeting shall not prohibit the Council from taking action on that item if the Council determines to do so after discussion or receipt of information.

Section 1.07 Presentation of Agenda Items

For each agenda item in turn, the President shall recognize initially the sponsor of the item or a City Administration or City Council staff member designated by the sponsor. The sponsor's presentation shall not be included in the limitations upon Council member input imposed by these rules.

Section 1.08 Public Input on Agenda Items

A member of the public may address any action or discussion item on a Council meeting agenda by delivering a speaker's card to the City Clerk at the meeting prior to the end of consideration by Council, or in a public hearing required by law or designated as such by the Council prior to the closing of the hearing. All comments shall be directed to the President. No Council member shall address a member of the public without permission from the President. Public input shall be limited to three (3) minutes per speaker and must be germane to the item under consideration, in the opinion of the President. In order to accommodate a larger number of speakers, the time limit for public input may be reduced in the President's discretion. A speaker's time may not be given to another. Public input on a particular agenda item (or any Consent Agenda item) shall be received during Council consideration of that item (or the Consent Agenda) at a time recognized by the President. One speaker desiring to comment on multiple consent agenda items shall be allowed the allotted time for each item, but unused time may not be shifted from one item to the next. After public input is concluded, it may not be reopened without consent of the Council. In the interests of time and orderly deliberation, unless prohibited by law the Council reserves the right to deny public input on any item at any time except a public hearing, required by law. Conversely, the Council may choose to permit public input at any time.

Section 1.09 Council Member Input

Prior to receiving public input, members shall speak no more than once so long as any member who has not spoken desires to speak. Prior to receiving public input, members shall speak no more than twice on any one subject and shall limit their comments to three (3) minutes each time. After receiving public input, members shall be permitted to speak no more than once on the subject and shall limit their comments to three (3) minutes. So long as a member does not object, the President may choose not to enforce these limitations. These limitations may be waived or suspended for a time certain by majority vote of the existing membership of the Council. The requirements of this Section shall not apply to workshops.

Section 1.10 Voting and Quorum

The vote or abstention of each member present shall be recorded in the minutes of the meeting. Voting shall ordinarily be made by electronic tally device, but upon approval of a majority of the existing members of Council, voting may be by paper ballot or roll call. As provided in the Charter, and subject to limited exceptions expressed in the Charter, a majority of the existing membership of the Council shall constitute a quorum and no action by the Council shall be valid or binding unless adopted by the affirmative vote of a majority of the existing membership of Council.

Section 1.11 Parliamentary Procedure

Robert's Rules of Order will serve as a guide for parliamentary procedures in the conduct of all Council meetings and Workshops. Any exceptions noted in these rules or by Resolution of the

Council shall take precedence. A violation of parliamentary procedure shall not call into question the validity of any decision or action of the Council so long as the requirements of state law and the City Charter have been met and the intent of the Council is clear from the minutes and the electronic recordings of the proceedings.

Section 1.12 Postponing an Item

A member who has the floor at a regular meeting and who feels that he or she does not have enough information to act on an item may request that the sponsor of that item postpone the item. The request shall take precedence. If the sponsor refuses, a motion, second and affirmative vote of a majority of the existing members of Council to postpone the item will result in it being placed on a subsequent Agenda Conference and the sponsor shall have the opportunity to add additional information to the related Council Memorandum.

Section 1.13 Ending Debate

A motion for the previous question may not interrupt a speaker who has the floor, must be made and seconded, is not debatable, cannot be amended, requires an affirmative, majority plus one vote of members present to pass and in this assembly cannot be reconsidered. Additionally, in order to protect the democratic process, any Council Member or member of the public who is on record to speak before the motion is made will be permitted to speak before the vote is taken on the motion for the previous question.

Section 1.14 Reconsideration

A member on the prevailing side may move to reconsider a question in the same meeting. The motion must pass with the same vote formality as required to pass the main motion, and if passed reopens the main motion to debate.

Article II. Agendas

Section 2.01 Submission of Items

Agenda items may be sponsored and submitted by an individual Council Member or by the Mayor. In order to be included in the next regularly scheduled meeting, a Council Memorandum must be delivered to the Office of the City Council no later than close of business, fourteen days prior to the Agenda Conference. The sponsor of an item may unilaterally withdraw that item at any time prior to the commencement of Council voting on that item in a regular or special Council meeting.

Section 2.02 Council Memoranda

Every agenda item shall be accompanied by a Council Memorandum, offered and supported by the sponsor of the item and containing, at a minimum, the following information or stating not applicable if that be the case.

(a) Proposed Legislative Items

- 1) Sponsor's name.
- 2) Short Name of Item (to be listed on Agenda).
- 3) Recommendation.
- 4) Subject matter background and purpose of submission, including any prior actions by City (Council, Mayor, Administration, Planning Board, etc.) relevant and material to the current issue.
- 5) Staff Input.
- 6) Whether an initial presentation will be made by someone other than the sponsor.
- 7) Whether a public hearing or quasi-judicial hearing is required.
- 8) Related documentation must be attached to the fullest extent feasible (examples: form of proposed ordinance, form of proposed contract and bid summary).
- 9) Whether item budgeted and description of financial impact.

(b) Presentations

- 1) Sponsor's Name.
- 2) Short name of Presentation (to be listed on Agenda).
- 3) Recommendation.
- 4) Subject matter background and purpose of presentation.
- 5) Related documentation.
- 6) Council staff input.

(c) Council Discussion Items and Administrative Items

- 1) Sponsor's name.
- 2) Short Name of Item (to be listed on Agenda).
- 3) Recommendation.
- 4) Action, Discussion or Information.
- 5) Whether an initial presentation will be made by someone other than the sponsor.
- 6) Subject matter background and purpose of submission.
- 7) Related documentation.

- 8) Whether item budgeted and description of financial impact.
- 9) Whether an initial presentation will be made.
- 10) Council Staff input.

Section 2.03 Preliminary Agenda Preparation

The Council staff shall assign a sequential number to each Council Memorandum presented, prepare a preliminary agenda and shall have the flexibility to order and group items in a logical way. If two matters are related or appear to have a bearing upon one another, the Council staff may place those items in consecutive sequence. In addition, the President shall be authorized to review the agenda proposed by the Council staff and make such changes, including re-positioning or postponing an item, as he or she deems appropriate in consideration of the length of the agenda and the nature, complexity and urgency of all the matters at hand. As a general practice, action items will precede discussion or information items. The Council staff shall furnish a copy of the preliminary agenda and all related Council Memoranda and attachments to the City Clerk by 12 Noon on Tuesday of the week prior to the regular Council Meeting. The Clerk shall prepare and furnish a digital copy of the agenda to each Council member, the Mayor, the City Administrator, the City Attorney and the Council Executive by email on or before 6:00 p.m. that same Tuesday. The Clerk shall be responsible for placing the preliminary agenda upon the City's website and notifying the media.

Section 2.04 Agenda Conference - General

An Agenda Conference of Council Members shall be held the Monday before each regular Council meeting, at 3:30 p.m. in the Hagler-Mason Conference Room, 222 West Main Street, 2nd Floor, City Hall, Pensacola, Florida, or at such other time and place as may from time to time be set by the President or the Council. The Agenda Conference will serve as an opportunity for the City Council, as a collegial body, to fully discuss agenda items being brought forth for the upcoming Regular Meeting of the City Council to ensure such items are complete and ready for a discussion of the merits of the item. This will allow Council Members to request additional information from the Sponsor, staff and/or administration. If an item is deemed incomplete or in need of further review prior to the Regular Council meeting, the item may be removed from the Agenda and directed to the appropriate staff for follow-up. During the Agenda Conference, the City Council may vote on administrative or ministerial matters, such as requesting a legal opinion, or moving items from the regular agenda to the consent agenda. The Agenda Conference shall also be the meeting where stand-alone presentations are heard (those presentations that are not part of a Legislative Action Item); as well as the City Administrator's report, the Police Chief's report, the Finance Director's report and any other such report as requested on behalf of staff or the Mayor's Office. Public input shall be accepted for items listed on the agenda.

Section 2.05 Agenda Conference – Order of Business

- 1) Roll Call.

- 2) Presentations.
- 3) Review of consent agenda items.
- 4) Review of regular agenda items.
- 5) Consideration of any add-on items.
- 6) Approval of final agenda.
- 7) City Administrator's Communication.
- 8) City Attorney's Communication.
- 9) Police Chief's Report.
- 10) Finance Director's Report.
- 11) Council Communication.
- 12) Adjournment.

Section 2.06 Agenda Conference – Approval of Final Agenda

A majority of the members present at the agenda conference shall approve the final agenda to be presented to Council at the next regular meeting. If no members attend the agenda conference, the preliminary agenda shall become the final agenda. Only the affirmative vote of a majority of the existing membership of the Council shall be entitled to remove an item from the agenda. An item removed may be placed upon the next preliminary agenda. An item removed twice from the preliminary agenda shall be deemed rejected in its then current form. The City Clerk shall be responsible for placing the final agenda and accompanying Memoranda upon the City's website and notifying the media.

Section 2.07 Consent Agenda

The Council Executive may include in the consent agenda section of the preliminary agenda any items which are not controversial, are viewed as routine, which are procedural or have been thoroughly discussed previously that require formal Council approval. During the Agenda Conference, or during the consent agenda portion of a regular Council meeting, any single member shall have the unqualified privilege to move any item from the consent agenda to the regular agenda items section without explanation.

At the Agenda Conference, where an agenda item meets the criteria as set out above and any remaining questions have been answered; the Council President, with the consent of a majority of the City Council, may move an item from the Regular Agenda for placement on the Consent Agenda.

Section 2.08 "Add-On" Items

During the Agenda Approval portion of a regular meeting, or during the "Add-On" portion of the

Agenda Conference, any person entitled to submit an agenda item may request that a new item of business, that is either time sensitive or requires action prior to the next scheduled meeting, with an appropriate Council Memorandum, be added to the agenda. The request shall be granted only by the affirmative vote of a majority plus one of the existing membership of Council. If granted, a duplicate copy of all materials supporting the item must be provided to each member before discussion.

Section 2.09 Presentations

Requests for Presentations shall be sponsored by a City Council Member or the Mayor. Such a request shall be accompanied by a Council Memorandum for use during the presentation review at the Agenda Conference. As a ministerial matter, the Council will vote on the proposed presentation; if passed, the presentation will be conducted immediately following the Approval of the Final Agenda. A sponsor of a presentation may request that the presentation be conducted at a Regular or Special Council Meeting, subject to approval by the majority of Council. As a ministerial matter, the Council will vote on the presentation; if passed, the presentation will take place during the Awards/Presentation portion of the next regularly scheduled Council Meeting. Any request for presentation being submitted after the deadline will be treated as are all other agenda items.

Section 2.10 Suspension of the Rules

By motion to suspend all or part of a particular rule for a particular purpose, a majority of Council may suspend any provision of these rules which would limit or prohibit the discussion of any matter amongst the Council members. Failure of any member to raise as a point of order any violation of these rules before or during any discussion, action or presentation shall be deemed a waiver of the application of any rule limiting or prohibiting that discussion, action or presentation prior to the point of order being raised. Once the first vote is cast it shall be too late to raise a point of order concerning the earlier application of these rules to the matter upon which the voting is occurring.

Article III. Elections and Appointments by Council

Section 3.01 Election of Officers

Nominations for the offices of President and Vice President of City Council shall be submitted in writing to the City Clerk by individual members in November each year no later than five (5) days prior to the Council meeting held to elect those officers as provided in the City Charter. Provided a nomination has been duly made, nominations shall then be closed. The Clerk shall distribute the names of each nominee and the member making the nomination to all members no later than four (4) days prior to the scheduled meeting. A member may nominate himself or herself.

A member may be nominated for both offices. If a single nomination was duly made, that member may be elected by acclamation or the Council may open the floor for nominations. If no member was duly nominated in writing, the floor shall be opened for nominations. If more than one member is nominated, voting shall be by written ballot and if one member does not receive the affirmative vote of a majority of the existing membership of Council, the member receiving the lowest number of votes shall be eliminated and balloting shall continue until the officer is elected by such a majority.

Section 3.02 Council Vacancies

The City Clerk shall notify members in writing of a Council vacancy and solicit nominations within 5 days after becoming aware of the vacancy. Written nominations by individual members shall be returned to the City Clerk by a date certain specified in the notice, which date shall be no less than [7] nor more than [10] days after distribution of the notice. Provided a nomination has been duly made, nominations shall then be closed. The Clerk shall distribute the names of each nominee and the member making the nomination to all members no later than four (4) days prior to the scheduled meeting. The election shall be held at the next regular or special Council meeting. If a single nomination was duly made, the vacancy may be filled by a vote of acclamation or the Council may open the floor for further nominations. If no person was duly nominated in writing, the floor shall be opened for nominations. If more than one person is nominated, voting shall be by written ballot and if one person does not receive the affirmative vote of a majority of the existing membership of Council, the person receiving the lowest number of votes shall be eliminated and balloting shall continue until the vacancy is filled.

Section 3.03 Council Appointments

The City Clerk shall notify members in writing of coming expirations or vacancies in a Council appointment and provide a nomination form to include a brief description of the nominee's qualifications for appointment. All nominees must complete the City's Application for City Council Appointed Boards, Authorities and Commissions, or similar superseding form, which must be attached to the completed nomination form. All nominations shall be filed with the City Clerk prior to the deadline for the Agenda Conference specified in the Clerk's notice. The names of incumbents indicating a willingness to serve an additional term and who shall have completed a current Application for City Council Appointed Boards, Authorities and Commissions, or similar superseding form, shall be placed on the ballot for consideration without the necessity of a written nomination. Voting shall be by written ballot. If more than one person is nominated, and one person does not receive the affirmative vote of a majority of the existing membership of Council, the person receiving the lowest number of votes shall be eliminated and balloting shall continue until the appointment is made.

Section 3.04 Council Established Boards

City Council established Boards, Commissions or Authorities shall supply a yearly report to the City Council outlining the year's achievements, accomplishments and up-coming year's goals. This mandatory reporting requirement shall be reflected within each Board, Commission or Authorities bylaws. This report shall be submitted to the Council Executive no later than January 31st of each year.

Board members shall be provided and must complete annual ethics and sunshine law training conducted by a member of Council staff or the City Attorney's Office. Proof of completion must be submitted to the Council Executive no later than April 1st of each year. Upon the appointment to a Board, Commission or Authority, individuals will be provided ethics and sunshine law training within that 30-day timeframe unless an extension of time is granted by the Council Executive.

Removal of Board members shall be in accordance with State Statute and/or the policy and procedures set forth by the City Council.

Article IV. Code of Ethics

In addition to the Code of Ethics established and incorporated by Chapter 2-6 of the Code of Ordinances of the City, as amended from time to time, and as authorized by the Charter of the City and contemplated by Sec. 2-6-3 of the Code of Ordinances, Council members shall adhere to the requirements of this Article. Further, each member of City Council must complete four (4) hours of ethics training each calendar year which addresses, at minimum, the Code of Ethics for public officials and employees and the public records and public meeting laws of the State of Florida.

Section 4.01 Financial Dealings with the City

Each Council member shall discharge his or her debts with all City agencies and departments in a timely manner the same as every citizen is expected to act. No advances will be granted on salaries due to a Council member. Failure to comply may result in public censure of the delinquent member by the Council.

Section 4.02 Travel and Training for City Business

During the budget process each year, the City Council will budget and allocate sufficient funds for Council's travel and training requirements in an amount permitting each member to have available the amount of at least \$4,000 for travel and at least \$4,000 for training, plus an additional total amount of \$10,000 for unscheduled or unanticipated travel or training

requirements available for Council. These expenses shall include training mandated by Florida law for local elected officials.

Travel expenses incurred by a Council member traveling on City business shall not be incurred by the City or reimbursed to the member unless such travel is approved by the President or Vice President of the Council. Travel by either the President or the Vice President must be approved by the other. Approval by the President or Vice President may be reviewed and overturned or limited by the Council provided a written request to review is filed by a Council member with the City Clerk within ten (10) days after the accounting for all expenses of the travel has been completed. Accounting of all travel will be completed within ten (10) days of the termination of the trip, and in any event prior to the initiation of any subsequent travel.

Pursuant to the authority conferred by F.S. 166.021(9), the meal and incidental expenses (M&IE) per diem reimbursement amount for all authorized persons traveling on behalf of the City of Pensacola shall be the then-current meal and incidental expenses (M&IE) per diem amounts published online by the federal General Services Administration (GSA), as those amounts are determined by location of the travel destination and updated from time-to-time by the GSA.

Section 4.03 Voting Conflicts

Notwithstanding the provisions of Sec. 112.3143, Florida Statutes, or subsequent superseding legislation, a Council member required to abstain from a vote by Florida law shall make his or her disclosure at the commencement of the discussion of the conflicted item and shall not participate in the discussion except to answer a question directed to him or her by another Council member, unless the Council waives this rule to permit such discussion. Nothing in this section shall lessen the abstention and disclosure requirements imposed upon Council members by Florida law.