



City of Pensacola

City Council Workshop

Agenda

Monday, April 25, 2022, 3:30 PM

Hagler-Mason Conference Room,
2nd Floor

Immediately Following 3:30 PM Agenda Conference. Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

The meeting can be watched via live stream at cityofpensacola.com/video.

CALL TO ORDER

SELECTION OF CHAIR

DETERMINATION OF PUBLIC INPUT

DISCUSSION OF...

1. [22-00414](#) CITY COUNCIL RULES AND PROCEDURES & ROBERTS RULES OF ORDER

Sponsors: Ann Hill

Attachments: [Council Rules and Procedures](#)

ADJOURNMENT

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 22-00414

City Council Workshop

4/25/2022

DISCUSSION ITEM

SPONSOR: City Council President Ann Hill

SUBJECT:

CITY COUNCIL RULES AND PROCEDURES & ROBERTS RULES OF ORDER

SUMMARY:

City Council meetings are conducted based on Council Rules and Procedures with guidance from Roberts Rules of Order.

This discussion item gives Council the opportunity to gain clarity on any rules or procedures that might garner confusion as well as being provided an overview of Robert's Rules of Order.

PRIOR ACTION:

June 13, 2013 - City Council adopted the first set of Council Rules and Procedures

October 8, 2020 - City Council adopted the current set of Council Rules and Procedures

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) City Council Rules and Procedures

PRESENTATION: No

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)

Adopted June 13, 2013
Revised January 15, 2015
Revised September 17, 2015
Revised June 16, 2016
Revised October 8, 2020

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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 the existing membership 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 Council 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 an 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.

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 the existing membership 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. 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) 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 in a regular meeting shall not prohibit the Council from taking action on that item if the Council determines to do so after discussion.

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 who has it within his/her purview to allow a citizen to speak directly to a Council member. 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 shall be received during Council consideration of that item at a time recognized by the President. 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

For any item or subject, Council members shall have a total of three (3) opportunities to speak and shall limit each opportunity to three (3) minutes. Members shall speak no more than once so long as any member who has not spoken desires to speak. 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 Council 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. The requirement for a Council Member to vote, minus a required abstention, shall be consistent with Attorney General's opinions regarding this matter.

Council members who must leave a meeting prior to its conclusion shall either advise the Council Executive in advance of the approximate time of his/her departure, who shall ensure that information is made part of the minutes of the meeting, or, prior to leaving the meeting, announce his/her departure on the record.

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 Council 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 Council 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 and to have adequate time to go through the appropriate approval process and dedicated reviews, items shall show as "Agenda Ready" with all necessary attachments included by 5:00 p.m. on the Friday prior to the posting of the agenda for public view. All proposed ordinances and resolutions must go through review by the Office of the City Attorney (Legal) prior to being placed on the agenda, in coordination with the Council Executive. 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) Subject
- 3) Recommendation.
- 4) Required Hearing
- 5) Summary
- 6) Prior Action
- 7) Funding
- 8) Financial Impact
- 9) Staff Contact
- 10) Attachments (examples: form of proposed ordinance, form of proposed contract and bid summary).
- 11) Presentation (where a presentation will be made by someone other than the sponsor).

(b) Presentations

- 1) Sponsor's Name.
- 2) Subject
- 3) Request
- 4) Summary (Subject matter background and purpose of presentation.)
- 5) Prior Action
- 6) Staff Contact
- 7) Attachments (Related documentation.)

(c) Council Discussion Items and Administrative Items

- 1) Sponsor's name.
- 2) Subject
- 3) Summary
- 4) Prior Action
- 5) Staff Contact

- 6) Attachments (Related documentation.)
- 7) Presentation

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 including ensuring that an item has been fully vetted and ready for the Council's consideration. If the Council President postpones an item, that action can be overridden at the agenda conference by a motion and second and a majority vote of the existing Council membership. As a general practice, action items will precede discussion items. The agenda will be generated by Council staff on the Tuesday prior to the agenda conference who will also post it to the City's website. The Clerk shall be responsible for notifying the media and providing a link to the agenda to the City Council.

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 be an opportunity for the sponsor of an item to introduce an item to the City Council. Additionally, 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 either by the consent of the sponsor or by a majority vote of the existing membership of City Council and directed to the appropriate staff for follow-up. During the agenda conference, and minus objection, the City Council may consider administrative or ministerial matters, such as requesting a legal opinion, or moving items from the regular agenda to the consent agenda. Discussion items will be conducted at the agenda conference. In months with two (2) regularly scheduled Council meetings, discussion items will take place at the second agenda conference of the month. In months with one (1) Council meeting scheduled, discussion items will take place during that agenda conference. 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 Finance Director's Quarterly report and any other such report as requested on behalf of staff or the Mayor's Office.

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) Discussion Items
- 7) Approval of final agenda.
- 8) City Administrator's Communication.
- 9) City Attorney's Communication.
- 10) Finance Director's Report.
- 11) Council Communication.
- 12) Adjournment.

Section 2.06 Agenda Conference – Approval of Final Agenda

A majority of the Council 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 approval of the agenda portion of a regular Council meeting, any single Council member shall have the privilege of moving any item from the consent agenda to the regular agenda items section after providing a basis for the removal; providing the basis for the removal will allow for any additional information to be gathered prior to the regular Council meeting.

Section 2.08 “Add-On” Items

During the Agenda Approval portion of a regular meeting, or during the “Consideration of any Add-On Items” 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. Within the memorandum shall be language which indicates the reason the item is either time sensitive or requires immediate action. 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 and shall be included on the agenda in the same manner as all other items are included. Standalone presentations, those not attached to an action item, will be conducted at the agenda conference.

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 existing membership 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 call for a vote has been made by the Council President 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 Council 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 Council 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 Council 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 Council 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 an 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 report shall be identified within the by-laws of each Board, Commission or Authority and shall be provided at the end of each fiscal year.

Board members shall be provided with annual ethics training conducted by a member of Council staff or the City Attorney's Office. Upon the appointment to a Board, Commission or Authority, individuals will be provided said training as soon as is possible after their appointment to the Board, Commission or Authority.

Removal of board members shall be in accordance with state statute and/or the policy and procedures set forth by the City Council.

The Council Executive shall ensure that each Council established Board, Commission or Authority has a working set of rules and procedures that are consistent with City Council Rules and Procedures.

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. Nothing in this section shall lessen the abstention and disclosure requirements imposed upon Council members by Florida law. The requirement for a Council member to vote, minus a required abstention, shall be consistent with Attorney General's opinions regarding this matter.

Section 4.04 City Council Inquiries and Investigations

(A) **Scope.** This section governs all inquiries and investigations conducted by City Council under Section 4.02(a)(3) of the City Charter for the City of Pensacola.

(B) **Authority.** City Charter Section 4.02(a)(3) authorizes City Council "To inquire into the conduct of any municipal office, department, agency or officer and to investigate municipal affairs, and for that purpose, may subpoena witnesses, administer oaths and compel the production of books, papers, or other evidence."

(C) **Definitions.**

1. **Inquiry.** Under this section, the word "inquiry" shall mean any legislative inquiry authorized in good faith as required by City Charter by resolution of City Council by the affirmative vote of the majority of the full City Council and conducted by City Council under

the authority of City Charter Sections 4.02(a)(3) and 4.04(b) and in accordance with City Council Rules and Procedures under this section, for the purpose of requesting information to provide necessary factual knowledge to City Council to assist it in carrying out the legislative powers and duties imposed on City Council under the City Charter.

2. **Investigation.** Under this section, the word “investigation” shall mean any legislative investigation authorized in good faith by resolution of City Council by the affirmative vote of at least a majority of the full City Council members and conducted by City Council under the authority of City Charter Sections 4.02(a)(3) and 4.04(b) in accordance with City Council Rules and Procedures under this section, said investigation to include a public hearing of City Council at which witnesses may be requested or compelled by subpoena to appear and provide testimony and to produce records to provide necessary factual knowledge to City Council to aid it in carrying out the legislative powers and duties imposed on City Council under the City Charter.

3. **Subpoena.** Under this section, the word “subpoena” shall mean a subpoena or subpoena duces tecum directed to be issued by resolution of City Council under the authority of City Charter Sections 4.02(a)(3) and 4.04(b) for the purpose of requesting the production of documents, books, papers, witnesses or other evidence pertinent and material to providing necessary factual knowledge to City Council to assist it in carrying out the legislative powers and duties imposed on City Council by City Charter.

4. **Agency.** Under this section, the word “agency” shall mean a City board, commission or authority as contemplated by City Charter Section 5.05.

(D) **Request for City Council to Authorize an Inquiry or Investigation.**

1. **Complaint.** An individual City Council member may submit a written request for City Council to authorize an inquiry or investigation under the authority of City Charter Sections 4.02(a)(3) and 4.04(b) to assist City Council in carrying out the legislative powers and duties imposed on City Council by City Charter.

2. **Sufficient Legal Basis.** The complaint shall set out a factual basis and provide the legal rationale for the inquiry or investigation to ensure the legal basis is appropriate and justified in assisting City Council in carrying out the legislative powers and duties of City Council under the City Charter.

3. **Insufficient Legal Basis.** Upon review of the request, should City Council determine that the legal basis of the complaint is insufficient to invoke the inquiry or investigative authority of City Council under the City Charter or not within the jurisdiction of City Council under the City Charter, it shall suspend further consideration of the complaint and state the reasons.

4. **No Presumption Raised.** City Council authorization to conduct an inquiry or investigation does not give rise to a presumption of violation of the City Charter or City Code, or rules or policies of the City, or any other local, state or federal laws.

5. **Criminal Law Violation.** Should City Council have a reasonable belief that the subject matter would violate a criminal law, City Council will refer the matter to the appropriate authority and state the reasons.

(E). **Authorization by Resolution.**

1. **Agenda Item.** A request for City Council to authorize an inquiry or investigation shall be considered as an item on the agenda of a properly noticed meeting of City Council. City Council may only discuss the legal basis for the inquiry or investigation and may not discuss the merits of the complaint nor make factual determinations or findings relating to the complaint.

2. **Inquiry shall be authorized by Majority Vote.** An inquiry by City Council as authorized by Sections 4.02(a)(3) and 4.04(b) of the City Charter shall be authorized by resolution approved by the affirmative vote of the majority of the full City Council, at a properly noticed meeting of City Council.

3. **Investigations shall be authorized by Majority of the Full City Council Members.** An investigation by City Council as authorized by Sections 4.02(a)(3) and 4.04(b) of the City Charter shall be authorized by resolution approved by the affirmative vote of at least a majority of the full City Council members, at a properly noticed meeting of City Council.

4. **Time Frame.** City Council shall determine the appropriate time frame for completion of an inquiry or investigation on a case by case basis provided that such time frame does not exceed ninety (90) days from the date of the authorizing resolution. Every reasonable effort shall be made to complete an inquiry or investigation within the time frame set by City Council. However, each case presents different circumstances and it is not always possible to maintain the time frame set by City Council. Extensions of time may be allowed by the affirmative vote of the majority of the full City Council upon good cause shown.

5. **Progress Reports.** The City Council Executive shall report monthly on the progress of each pending inquiry and investigation at a properly noticed meeting of City Council.

(F) **Inquiry.** An inquiry by City Council as authorized by Sections 4.02(a)(3) and 4.04(b) of the City Charter, into the conduct of any municipal office, department, agency or officer, shall be for the purpose of providing necessary factual knowledge to City Council to assist it in carrying out the legislative powers and duties imposed on City Council by City Charter and shall be authorized by resolution approved by the affirmative vote of the majority of the full City Council, at a properly noticed meeting of the City Council.

1. Such resolution shall describe with particularity the subject matter of the inquiry, specifically the alleged conduct and related municipal office, department, agency or officer, the conduct of which is subject to inquiry.

2. Such resolution shall request a written response from the appropriate representative of such municipal office, department or agency or in the case of a municipal officer, from such officer, and may direct responses to specific questions to be provided, request supporting documentation and other relevant material be included with the response, and shall also request that other individuals with relevant information be identified.

3. Such resolution shall set a date for the written report to be submitted to City Council as an agenda item at a properly noticed meeting of the City Council.

4. Such responsive information shall be submitted into the record at the public meeting scheduled for submitting the response. City Council shall review the responsive information at the meeting and deliberate and make findings. Such findings shall be adopted by resolution approved by a majority vote of the full City Council.

(G) **Investigation.** An investigation by City Council as authorized by Sections 4.02(a)(3) and 4.04(b) of the City Charter, into municipal affairs, shall be for the purpose of providing necessary factual knowledge to City Council to assist it in carrying out the legislative powers and duties imposed on City Council by City Charter and shall be authorized by resolution approved by the affirmative vote of at least a majority of the full City Council members, at a properly noticed meeting of the City Council.

1. Such resolution shall describe with particularity the subject matter of the investigation, detailing with specificity the scope and purpose of the investigation, and shall provide the course of action to be followed in carrying out such investigation and investigative hearing.

2. City Council may employ an expert for assistance in conducting an investigation pursuant to this section herein. The terms of the employment agreement shall be for the sole purpose of assisting with an investigation consistent with and limited to the scope of City Council's investigative authority under Sections 4.02(a)(3) and 4.04(b) of the City Charter and shall be set forth and authorized by a resolution approved by City Council. Investigative information shall be subject to public disclosure as required by law.

(H) **Investigative Hearing.** City Council shall determine on a case by case basis whether an investigative hearing shall be conducted. An investigation by City Council as authorized by Sections 4.02(a)(3) and 4.04(b) of the City Charter, into municipal affairs, shall be for the purpose of providing necessary factual knowledge to City Council to assist it in carrying out the legislative powers and duties imposed on City Council by City Charter and shall be authorized by resolution approved by the affirmative vote of at least a majority of the full City Council members, at a properly noticed meeting of the City Council. Such investigative hearing shall be open to the public.

1. An investigative hearing is legislative in nature and not a judicial proceeding. Normal procedural guarantees which surround the conduct of a trial, therefore, are not

required as a matter of general law in such investigations. Accordingly, except for the constitutional privilege against self-incrimination, and the guarantee of the First Amendment, witnesses before investigative hearing of City Council shall have those rights which City Council determines are appropriate to ensure that all procedures are orderly and fair.

2. At the conclusion of an investigative hearing, City Council shall make written findings and conclusions.

(I) **Authorization for Preparation and Issuance of Subpoenas.** City Council shall authorize by resolution, at a properly noticed meeting of City Council, the preparation and issuance of subpoenas or subpoenas duces tecum for purposes of an investigation under this section by the City Clerk in accordance with state statute. The authorization shall direct the City Council Executive to prepare subpoenas or subpoenas duces tecum and submit such subpoenas or subpoenas duces tecum to the City Attorney for review for legal sufficiency.

(J) **Authorization for Contempt Order.** The punishment for violation of a subpoena or subpoena duces tecum that City Council may impose against any person who violates a subpoena or subpoena duces tecum shall be prescribed by ordinance.

1. Pursuant to such ordinance, City Council is authorized to hold a person in contempt for violation of a subpoena or subpoena duces tecum and to impose a fine, not to exceed five hundred dollars (\$500), against any person for such violation.

2. City Council shall determine whether grounds for a contempt order exist and shall prescribe the fine amount for violation of the ordinance.

3. **Public Notice.** The City Clerk shall publish legal notice of each investigative hearing authorized under this section at least one time in a newspaper published in the city which meets the requirements of Section 50.031, Florida Statutes.

4. **Transcripts of Investigations.** The investigative hearing under this section shall be recorded and transcribed verbatim and provided to City Council.