

CITY OF PENSACOLA:

RULES AND PROCEDURES

OF THE

CITY COUNCIL

(To be effective at Noon, January 10, 2011)

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SECTION I:

BACKGROUND INFORMATION

1. **ESTABLISHMENT OF CITY COUNCIL**

Section 3.01 of the Pensacola Charter provides for a Mayor-Council form of government, with a City Council serving as the governing body of the City with all legislative powers vested therein, consisting of nine (9) Council Members, one (1) to be elected from each of the seven (7) election districts of the City and two (2) elected at large. The Council proceedings shall be chaired by a Council President, who shall be elected by the Council from its Members, and, in his or her place, a Vice President, similarly chosen. The newly elected Council will take office at noon on the second Monday of January 2011, and thereafter at noon on the fourth Tuesday in November of subsequent election years. After a transition period commencing in 2011, Council terms shall be four years, with a limit of three full terms. The City Council adopts an annual budget and other appropriations, adopts ordinances and resolutions, provides consent to the appointment or removal of a City Clerk and a City Attorney appointed by the Mayor, provides consent to the appointment of department directors appointed by the Mayor, and discharges other duties as prescribed by the Charter.

2. **POWERS OF CITY COUNCIL UNDER HOME RULE**

The powers of City Council are derived from Pensacola's Charter and related Special Acts of the Florida Legislature, by "Home Rule" as provided in the 1968 Florida Constitution, and by the implementation of the provisions of Chapter 166 of the Florida Statutes.

Generally speaking, the Pensacola City Council has the power to enact legislation (in the form of ordinances) concerning any subject matter upon which the State Legislature may act, except those dealing with annexation; merger issues; the exercise of extra-territorial powers; any subject expressly prohibited by the Florida Constitution; any subject expressly preempted to state or county government by the Constitution or by general state law; and any subject preempted to a county pursuant to a county charter adopted according to Article VIII of the Florida Constitution.

If the City wishes to amend any topic contained in the City Charter that relates to the items above, a local referendum or a special act of the Florida Legislature would be necessary. Changes of this nature do not occur frequently although there have been a few local referenda in the past, as well as some changes to the City Charter accomplished through special act of the state legislature.

3. CITY COUNCIL MEETINGS

Regular City Council meetings are normally held on the second and fourth Thursdays of each month, in Council Chambers beginning at 5:30 p.m. Special meetings of the City Council may be called at the request of the Mayor, President of City Council, or any three (3) members of Council according to the specified guidelines in Section II of this Rules and Procedures Manual.

Activities of prime importance during regular City Council meetings include:

Public Hearings as required by law or Council policy on such subjects as proposed budgets, proposed Comprehensive Plan amendments, rezoning and street vacation requests, proposed special assessment districts and annexations.

Quasi-judicial hearings whereby Council is required to examine facts, weigh evidence, and draw conclusions from presented testimony and other evidence, as a basis for their official action, and to exercise discretion of a judicial nature.

Mayor's Report which will be reserved for communications only by the Mayor and/or members of the Mayor's staff.

Council Communications which will be reserved for discussion only between the Mayor and City Council.

Petitions delivered by citizens directly to elected officials. Frequently, these petitions are referred to the appropriate committee for study and recommendation back to City Council.

Reports of the Committee of the Whole whereby the Council receives recommendations of its Committee of the Whole for formal Council action.

Ordinances and Resolutions which are legal instruments whereby City Council establishes public policy either in the form of local laws (ordinances) or formal statements of fact and intent (resolutions).

Open Forum during which any citizen may address the City Council for up to four minutes on any topic, even if such topic does not appear on the meeting's agenda.

Consent Agenda consists of action items that passed unanimously in the Committee of the Whole.

4. **CITY COUNCIL AS THE COMMUNITY REDEVELOPMENT AGENCY**

Organized under the Florida Community Redevelopment Laws Part III, Chapter 163, Florida Statutes, the Community Redevelopment Agency (CRA) was established by the City Council to carry out development initiatives in the Inner City area. Recognizing that most redevelopment plan approvals and project financing required City Council action, Council elected to declare itself the CRA, responsible for directing and guiding redevelopment activities. The CRA has adopted a Community Redevelopment Plan which guides such development and land use decisions. The CRA meetings are normally held on Monday, three (3) days prior to regularly scheduled City Council meetings. A report of CRA action shall be rendered at the regularly scheduled City Council meeting for information purposes only. The CRA appoints the Chair of this agency.

5. **CODE OF ETHICS**

The declared policy in Florida is that public officers and employees are agents of the people and hold their positions for the benefit of the public. No officer of the municipality shall have any interest, financial or otherwise, direct or indirect, engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of that member's duties in the public interests. As used in relation to the Code of Ethics, the term "public officer" shall include any person elected or appointed to hold office in any municipal government entity, including any person serving on an advisory body.

Public officers may neither solicit and/or accept anything of value that is based on any understanding that the vote, official action, or judgment of the official would be influenced. Nor may a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to their own agency. In addition, officers and employees may not hold any employment or contractual relationship which will pose a recurring conflict between their public duties or which would impede the discharge of those duties.

Any person elected to an office or appointed to fill a vacancy in an elective office, and other individuals holding positions identified by Florida Statutes, must make full and public disclosure of their financial interests in accordance with Florida Statutes requirement. If the person required to file has no financial interests necessitating disclosure, the report must still be submitted marked "Not Applicable."

In addition to the requirements cited above, City Council Members will also adhere to the following guidelines concerning financial arrangements that involve the City of Pensacola:

- 1) Each City Council Member will discharge his or her debts with all city agencies in a timely manner as is consistent with the policies that each and every citizen must follow.
- 2) No advances will be granted on salaries due to Council Members.
- 3) Travel for City Council business:
 - a) All City Council travel shall be approved by the President of City Council or, in the President of City Council's absence, the Vice President of City Council. All travel by the President of City Council shall be approved by the Vice President of City Council. Decisions of the President of City Council or the Vice President of City Council are subject to appeal to the Committee of the Whole.
 - b) Accounting for all travel will be completed within 10 days of the termination of the trip, and, in all cases, prior to the initiation of any subsequent travel.

Members of the City Council are not permitted to vote upon any measure that would inure to their special private gain; which a member knows would inure to the special private gain of any principal by whom that member is retained, or which a member knows would inure to the special private gain of a relative or business associate of the member

of the City Council. The City Council Member is required, prior to the vote being taken, to publicly state to the rest of the City Council the nature of the interest in the matter from which they are abstaining from voting and, within fifteen (15) days after the vote occurs, disclose the nature of their interest in a memorandum filed with the City Clerk.

A Council Member who abstains from voting on a measure shall not be permitted to participate in the discussion of the matter except to respond to a question from a member of the City Council unless the City Council waives the rule to permit such discussion.

It is not the intent of the Code of Ethics to prevent any officer or employee from accepting employment or following any pursuit, which does not interfere with the discharge of their public duties.

Pursuant to the mandate of the City Charter, the City Council shall adopt a Code of Ethics, by ordinance, which shall be equal to or more stringent than the requirements of applicable state statutes, which ordinance shall be applicable to the Mayor, members of Council, and all City employees and officers, whether elected or appointed.

SECTION II:

RULES AND PROCEDURES

1. **COUNCIL MEETINGS** Amended by Council Action 9/23/10

Regular meetings of the City Council shall be held on the second and fourth Thursdays of each month beginning at 5:30 p.m., or at such times as the Council may designate. Special meetings shall be called by the President of the City Council, Mayor, or any three (3) members of the Council. Notice of such meetings stating the subject(s) to be considered shall be forwarded electronically to each Council member at least forty-eight (48) hours prior to the meeting, unless circumstances preclude such notice. However, if the time, place and subject of a special meeting are announced at a regular or special meeting of the Council at least twenty-four (24) hours prior to the time of the proposed special meeting, no formal written notice shall be necessary.

A quorum to conduct business at regular and special meetings of the City Council will consist of five (5) members.

The minutes of the City Council are currently recorded in action form and voted on by the Council. This procedure may be changed by a majority vote of the City Council. *(Amended by Council action 9/23/2010)*

2. **PRESIDENT OF CITY COUNCIL AS PRESIDING OFFICER**

The President of City Council shall preside at every meeting of the Council and have equal participation. The President of City Council will not be required to relinquish the chair when making motions and seconds, unless requested to do so by a Member of Council. At the hour appointed, the President of City Council shall call the Council to order, provided a quorum is present. The President of City Council shall sign all ordinances, resolutions, subpoenas or other writs ordered by the Council. The President of City Council will also attest the correctness of the minutes after they have been transcribed.

The President of City Council shall preserve order and speak to points of order, in preference to other members of the Council, and shall decide all questions of order, subject to appeal to the Council by any member. On points of order, no member may

speaking more than once, and no other business shall be in order until the question on the appeal is settled by vote on the question, "Shall the decision of the Chair be sustained?" A vote of six (6) members of the Council shall be necessary to overrule a decision of the presiding officer regarding a point of order.

The President of City Council shall have control of the Council Chamber and the connecting halls and corridors, and in case of disturbance or disorderly conduct cause the same to be cleared.

The Vice President of City Council shall exercise all duties of the President of City Council during the President of City Council absence or disability, and shall assume the Chair at the request of the President of City Council. In the event of the absence of both the President and Vice President of City Council, the senior member of the Council will preside over a specified meeting.

3. ORDER OF BUSINESS

The following is the standard order of business during regular City Council meetings:

- 1) Roll Call**
- 2) Invocation and Pledge of Allegiance**
- 3) Open Forum**
- 4) Approval of Minutes**
- 5) Awards and Presentations**
- 6) Public Hearings**
- 7) Quasi-judicial Hearings**
- 8) Mayor's Report**
- 9) Council Communications**
- 10) Petitions**
- 11) Consent Agenda**
- 12) Reports of Committee of the Whole**
- 13) Report of Community Redevelopment Agency**
- 14) Ordinances on First Reading**
- 15) Ordinances on Second Reading**
- 16) Resolutions**

- 17) **Unfinished Business**
- 18) **New Business**
- 19) **Open Forum**
- 20) **Adjournment**

Public input on agenda items is limited to four (4) minutes per speaker. The public is permitted to speak on any subject during open forum, limiting their discussion to four (4) minutes per speaker and commenting only once until others who desire to speak have been heard. Time limit for public input may be changed at the discretion of the President of City Council.

4. **MEMBERS--RIGHTS, DUTIES, AND CONDUCT**

Members, when about to speak, shall respectfully address the Chair, and not proceed until recognized by the Chair; will confine themselves to the question under debate and avoid personalities. No member shall address the Chair out of their place, nor interrupt another without the consent of the member who has the floor, except for rising to a point of order. The member whose motion is subject to debate is first entitled to the floor, and is entitled to close debate after each member who wishes to speak has been allowed to do so. Members shall speak no more than twice on any one subject and shall limit their comments to five minutes each time, nor speak more than once, so long as any member who has not spoken desires to speak.

The affirmative vote of a majority of the members elected to Council shall be necessary to adopt any ordinance, resolution or motion, except the vote to adjourn which may be adopted by a majority of the members present. Member present at a Council meeting when a question is put shall give their vote, unless excused by law. All votes are recorded in the minutes of the meeting.

After a vote is announced, no member shall change his or her vote without the consent of the Council. If five (5) votes were required to pass the matter considered, then it will take five (5) Council members to consent to the change of vote, but if six (6) votes were required, then it will take six (6) Council members to consent to the change of vote. The

right to change a vote shall be limited to said meeting and not continue for any subsequent meeting.

5. ORDINANCES AND RESOLUTIONS

A copy of each ordinance or resolution shall be furnished to each member of the Council when introduced, except by unanimous consent; and every amendment to an ordinance or resolution shall be submitted in writing, except by unanimous consent.

A proposed ordinance may be read by title only, but must be read on at least two (2) separate days unless an emergency is declared. The Council may read a resolution by title or number only and, if desired, adopt it. The vote of all ordinances and resolutions shall be recorded in the minutes of the City Council.

An ordinance may be amended on its first reading, or by waiver of rules by a two-thirds vote on its second reading. If an ordinance is amended, prior to its second reading, it will be carefully engrossed by being typewritten, without erasure or interlineations. It shall be endorsed by the City Attorney as being legal in form and valid as drawn.

An emergency measure is an ordinance to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in the preamble thereto. The affirmative vote of at least six (6) members of the Council shall be required to pass any ordinance as an emergency measure. No measure making a grant, renewal or extension of a franchise or other special privileges shall ever be passed as an emergency measure. No emergency ordinance shall be enacted which enacts or amends a land use plan or which rezones private real property. No situation shall be declared an emergency by the Council, except as defined in this section or by Florida law.

6. MOTIONS

After a motion has been stated by the President of City Council or any Council member, and seconded, it shall be disposed of by vote of the Council. When a question is thus under debate, the Presiding Officer shall entertain no motions except:

- PRIVILEGED:
- * To adjourn at a certain time.
 - * To adjourn.
 - * To recess to a certain time.
 - * To consider question of privilege.
 - * Orders of the day.

- SUBSIDIARY:
- * Lay on the table.
 - * Previous question.
 - * Postpone to a certain day.
 - * Refer to a committee.
 - * To amend.
 - * To postpone indefinitely.

Of these motions, which are listed in their order of precedence, all privileged motions, including the subsidiary motions of Lay on the table, Previous question, Postpone to a certain day, and Refer to committee are not debatable, but the maker of the motion may state the motive for the motion expending not more than two (2) minutes in doing so.

When a motion for Previous question is made and seconded, Members desiring to speak who are on record to speak before the motion is made will be permitted to speak.

The Presiding Officer may entertain a motion to refer a question under debate to a committee, except that no referral shall be permitted where the motion has been reported out previously by a proper committee, without a waiver of the rules by a vote of at least six (6) Council members.

7. RECONSIDERATION

An item on which Council has taken action may be reconsidered one time. A member on the prevailing side may move to reconsider a question at the same or next succeeding meeting, in which event the approval of the motion to reconsider opens the main motion to debate. If the original motion required a simple majority to pass, a simple majority is required to reconsider.

A member absent when a question is voted on may move to reconsider the question at the next Council meeting that member attends.

After Council takes action on an item a second time, it may not be reconsidered within twelve (12) months following the vote.

In the event a matter involving a required public hearing is reconsidered upon the motion of a Council Member, a new public hearing will be held, notice will be published and the affected individuals notified at the expense of the City.

A motion to reconsider takes precedence over all motions except motions to adjourn and motions to fix the time that a meeting shall adjourn.

8. CITY COUNCIL COMMITTEE SYSTEM

For more efficient conduct of City Council business, the Council has established Committee of the Whole.

The Committee of the Whole takes up matters of general interest to Council. The Committee of the Whole may be called by the President of City Council or the Vice President of City Council, in the absence of the President of City Council, for meetings or for extended workshop sessions on both content and process issues of general concern to City Council. All members of Council serve on the Committee of the Whole, which is chaired by the President of City Council. In the absence of the President of City Council, the Vice President of City Council or a Council member appointed by the President of City Council will preside over the meeting.

Committee meetings are normally held on Monday, three (3) days prior to regularly scheduled City Council meetings. However, Committee of the Whole meetings, when necessary, may be held immediately preceding the regularly scheduled City Council meeting. Committees do not take final action, but rather make recommendations to the City Council. Members shall speak no more than twice on any one subject, subject to the President of City Council's discretion. All committee meetings are open to the public.

Public input during committee meetings will be limited to four (4) minutes each on any one subject. Time limit for public input during committee meetings may be changed at the discretion of the Committee Chair.

On motion, the Council may resolve itself into a Committee of the Whole for the informal discussion of any subject.

9. COUNCIL AND COMMITTEE AGENDA PROCEDURES

The agendas for City Council Committee meetings are posted to the City's website and electronic notification of the posting is forwarded to the Council, appropriate staff, and the news media, with a link to the agendas, on the Tuesday preceding committee meetings on Monday. All agendas are prepared by the President of City Council in collaboration with the Mayor. -

On Tuesday, preceding Thursday's City Council meeting, the City Council agenda is posted to the City's website and electronic notification of the posting is forwarded to the Council, appropriate staff, and the news media, with a link to the agenda. The City Council agenda will contain reports from the Committee of the Whole, usually with action recommended by the committee and a consent agenda. Items that failed in Committee will be reported on the Council agenda as informational items. The full Council then takes action on each committee item on Thursday at the Council meeting. The City Council agenda will also include (if any) public hearings, quasi-judicial

hearings, ordinances, and resolutions. The City Council will normally not take action on an item that has not appeared on the agenda.

During committee meetings, under "New Business", any Council Member may bring forward an item for discussion at that meeting. A member of the committee may also request an item to be on the agenda of a future meeting, and with majority vote of the committee, an item will be so agendaed.

a) Committee Quorums and Attendance

A simple majority of committee members shall constitute a quorum. If a quorum is not present at any committee meeting, no business shall be conducted. Attendance at all committee meetings shall be noted by the City Clerk and reflected in the Committee's report for inclusion into the minutes of the City Council. The number of votes necessary to pass a motion in the Committee of the Whole shall be a majority of those attending, provided a quorum is present.

b) Committee Agendas and Reports

The agendas of items for consideration by the Committee of the Whole shall be established by either direct referral from City Council or by the President of the City Council. The Committee Chair shall make an appropriate explanation when it has been necessary to remove an item from the Committee agenda. All motions adopted to hold in committee or lay on the table, and all motions not reported out of committee with a majority vote of Committee members present, shall remain in Committee. A two-thirds vote of the City Council (6 votes) shall be required to remove an item from Committee. All motions adopted in committee, which recommend City Council action, shall be reported to City Council at the next regular meeting.

10. APPOINTMENT OF THE PRESIDENT OF CITY COUNCIL

Nominations for the offices of President of City Council and Vice President of City Council may be submitted during the intervening weeks between the last municipal election in which all members of the new Council are elected or re-elected (General or Run-off election, as applicable), but no later than five (5) days prior to the fourth Tuesday in November wherein the new Council shall assume office. Nominations shall be submitted to the City Clerk only on the forms provided by the Clerk by any duly elected

Council member. The Clerk shall distribute copies of the nominations to all members of the new Council no later than four (4) days prior to the fourth Tuesday in November.

With the new Council Members having been duly sworn in and seated, the President of City Council shall call for the list of nominations for the office of President of City Council and Vice President of City Council, such list to be provided by the City Clerk. The Council may waive the provisions of the procedures set forth above and accept additional written nominations by a favorable vote of three-fourths of those Council members present. The President of City Council shall then conduct the election, the balloting for which shall be open to the public and media, in accordance with Section 286.011, Florida Statutes, known as the Government in the Sunshine Law.

11. COUNCIL VACANCIES

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If a vacancy on the Council is caused by death, resignation, refusal of any Council Member to serve, removal of any Council Member, the moving of a Council Member from the district from which the Council Member is elected, or for any other reason, the vacancy shall be filled for the unexpired term of the vacated seat by a majority vote of the remaining Council Members, and such vacancies shall be filled within thirty (30) days after the vacancy occurs. The appointed Council Member shall serve the unexpired term of the previous Council Member unless the unexpired term of the previous Council Member is twenty-eight (28) months or longer. If the unexpired term is twenty-eight (28) months or longer, a person shall be elected at the next general election to fill the unexpired portion of such term. The written nomination shall be submitted to the City Clerk not later than three (3) days prior to the meeting of the Committee of the Whole, and shall include a brief description of the nominee's qualifications for appointment to the City Council. Copies of the nominations shall be distributed by the Clerk to all Council members no later than two (2) days prior to the meeting of the Committee of the Whole.

The Committee of the Whole may waive the provisions of the above paragraph and accept additional written nominations only by the favorable vote of three-fourths of those Council members present. The Committee of the Whole, by majority vote, may then amend its nomination, or nominations, prior to submittal to City Council.

The Committee of the Whole may, in like manner, agree to a subsequent meeting or meetings to make final determination.

In the event that a number of vacancies occurring within the City Council are such that the remaining Council members do not constitute a quorum, such vacancies shall be filled in accordance with Section 11(1)(c) of the Charter, which states in part that vacancies shall be filled for the unexpired term of the member(s) by a majority vote of the remaining Council members, and the vacancy shall be filled within ten (10) days after the vacancy occurs.

12. BOARDS AND COMMISSIONS

The Committee of the Whole shall consider nominees for appointments to be made by Council to the various Boards and Commissions. Nominations may be submitted by Council Members only, although recommendations may be made by the particular Board or Commission concerned.

The Committee of the Whole may not recommend for Council appointment any individual whose name has not been previously submitted to the City Clerk as a written nomination on a form to be provided by the City Clerk. All written nominations shall be filed with the Clerk not later than three (3) days prior to the meeting of the Committee of the Whole at which a vacancy is to be filled, and shall include a brief description of the nominee's qualifications for appointment to the Board or Commission. The names of incumbents indicating a willingness to serve an additional term will be placed on the ballot for consideration for reappointment without the necessity of a written nomination.

Copies of the nominations shall be distributed by the Clerk to all members of the Council not later than two (2) days prior to the meeting of the Committee of the Whole.

The Committee of the Whole may waive the provisions of the procedures set forth above and accept additional written nominations by a favorable vote of two-thirds of those Council Members present. The Committee of the Whole, by majority vote, may then amend its nomination or nominations, prior to submittal to City Council. The Committee of the Whole may, in like manner, agree to a subsequent meeting or meetings to make final determination.

13. WAIVER OR AMENDMENT OF THE RULES

These Council Rules and any other Rules of Procedure may be waived by a two-thirds vote of the Council, unless otherwise stated herein. These rules may not be waived, amended or rescinded except by a vote of five (5) members of the Council.

14. RULES OF ORDER

In the decision of any parliamentary question for which no provision has been made herein, **Robert's Rules of Order** shall prevail.

15. COUNCIL WORKSHOPS

A quorum shall be required to begin City Council workshops. After a workshop has commenced, if a quorum is no longer present, the President or Vice President of City Council or Councilmember chairing the workshop shall determine whether to continue the workshop to its conclusion. Only the item or items which have been on the agenda

will be considered at a workshop and no official action of Council will be taken, although "straw votes" reflecting the consensus of Council may be taken.