



# **VILLAGE OF WELLINGTON COUNCIL RULES OF PROCEDURE**

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## I. Governing Rules

It is the policy of Wellington's Council that these Rules of Procedure shall govern all official meetings of the Council, as well as all Wellington Boards and Committees. When reference is made to Council herein, it shall include all Wellington Boards and Committees, when applicable, unless otherwise stated. The purpose of these Rules of Procedure is to provide for the efficient and orderly conduct of Wellington Business; protect the rights of the public and individuals who appear before the Council; protect the right of the majority to decide and the minority to be heard; enhance effective government operations for the public; and preserve the spirit and harmony within the Council and those appearing before it. "Wellington Business" means the business and operations of Wellington that fall within the constitutional, statutory, and/or regulatory scope and authority of the Council. No other rules or procedures shall apply. The ultimate determination of procedural matters shall rest with the Presiding Officer, subject to appeal, as set forth in Section VI(d) below.

## II. Meetings

a. **Open to the Public.** All meetings of the Council shall be open to the public, except for such meetings as are exempt by general law.

b. **Categories of Meetings.**

1. **Regular Meetings.** The Council shall meet in the Council Chambers at Village Hall, or other designated place within Wellington boundaries. Regular Council meetings shall commence no earlier than 6:00 p.m., on the second Tuesday of each month, unless otherwise specified. The schedule for regular Board and Committee meetings shall be set by Council resolution.
2. **Agenda Review.** The Council shall meet with the Village Manager, the Village Attorney, and Wellington Staff prior to the regularly scheduled Council meetings. This meeting shall function as a workshop and be held to review agenda items that will appear before the Council at the upcoming Council meeting, and provide Council the ability to question Staff about items appearing on the agenda. The Council may provide general direction to Staff during Agenda Review but no formal action or decisions will be made by the Council at Agenda Review. The meeting shall be open to the public, but the public will not be permitted to speak unless a majority of the Council in attendance invites public comment on an item. The Village Manager shall have the authority to set the time for Agenda Review.
3. **Workshops.** Workshops are held to discuss items of special importance or complexity that require longer than usual presentations and Council questions. The Council may provide general direction to Staff during a workshop but no motions or final decisions will be made at any workshop. Public comment will not be allowed at a workshop unless a majority of Council in attendance invites public comment on an item. Workshops will be publicly noticed and held on an as-needed basis.
4. **Special Meetings.** Special meetings may be called by the Mayor, or in the Mayor's absence, the Vice Mayor, or without regard to the presence or

absence of the Mayor or Vice Mayor, by request of three or more Councilmembers, or as otherwise provided for in the Village Charter. The call for a special meeting shall be filed with the Village Clerk. If a special meeting is announced during any regular Council meeting, that announcement shall serve as notice and no additional notice shall be provided unless otherwise required by law or ordinance. All other Special Meetings, except in the case of emergencies, shall require seventy-two (72) hours' notice to each Councilmember and the public. At any emergency meeting, the Council's first order of business shall be to discuss the nature of the emergency and affirm by a majority vote that such emergency condition exists. Only after such motion and vote shall the Council conduct business.

- c. **Quorum.** A majority of Councilmembers, free of voting conflict, shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, discussion of the issues may take place, but no decision, direction, or vote on a matter shall occur until and unless a quorum is present.
- d. **Remote Attendance.** The remote attendance by a Councilmember by telephone or other technological means is not encouraged, but may be allowed if there is a quorum physically present and upon the unanimous approval of Councilmembers physically present at the meeting. A request to appear remotely must be submitted prior to the scheduled meeting and shall indicate the reason for the physical absence, and state why it is appropriate for the Councilmember to participate remotely. The vote to allow the remote participation shall be the first item of business at the meeting and the Councilmember requesting remote participation shall not deliberate or vote on that item. No Councilmember shall be permitted to remotely participate, deliberate, or vote on any quasi-judicial matter before the Council except in the case of a declaration of emergency lasting longer than 30 days.
- e. **Curfew.** Section 2-6 of the Code of Ordinances controls all matters pertaining to meeting curfews.
- f. **Minutes.** Minutes of Council meetings shall be kept by the Village Clerk in accordance with Florida law, where applicable, as well as in accordance with Section 2-63 of the Code of Ordinances.

### III. Order of Business for Meetings

- a. **Order of Business.** There shall be an official agenda for every Council meeting, which sets forth the order of business to be conducted at the meeting and shall generally be as follows:
  - 1. Call to Order
  - 2. Invocation
  - 3. Pledge of Allegiance
  - 4. Approval of Agenda

5. Presentations and Proclamations
6. Consent Agenda
7. Public Hearings
8. Regular Agenda
9. Public Comment
10. Attorney's Report
11. Village Manager's Report
12. Council Reports
13. Adjournment

- b. Agenda.** The Village Manager, or in the case of Boards and Committees, the Staff liaison, and Staff shall prepare Agenda items that they believe should be considered at upcoming meetings. The Village Manager shall use discretion in determining whether a matter should be placed on an agenda and in what order. A preliminary agenda will generally be published one (1) week prior to the regular Council meeting, and the Village Manager may delete items from a preliminary agenda without consent of the Council. The Council shall approve any items added to the agenda after the publication of the preliminary agenda. When practical, backup material relating to the agenda items are to be included for the record and provided to Council during the week prior to the regular or workshop meeting.
- c. Agenda Approval.** Only items listed on the official agenda will be acted upon unless additional items are added to the agenda upon approval by a majority of the Council. The majority of the Council may also agree to remove an item from the final agenda during the appropriate time at the regularly scheduled Council Meeting.
- d. Consent Agenda.** The Consent Agenda should be used to handle routine matters on the agenda in an expeditious manner. No discussion of individual items shall occur unless a Councilmember requests an item be removed from the Consent Agenda. Members of the public may speak to any consent item.
- e. Presentation of Agenda Items.** The general order of item presentation, except for quasi-judicial matters, shall be as follows, subject to changes depending on the item under presentation:
1. Village Manager announces item.
  2. Presentation by Staff, if any.
  3. Discussion and questions by the Council.
  4. Public comment.
  5. Further discussion by Council.
  6. Motion made, discussion/amendment of motion, if necessary, and motion seconded. If a motion does not receive a second, that motion dies and another motion may be made.
  7. Vote taken.

#### IV. Quasi-Judicial Proceedings

- a. **General Procedural Requirements.** The procedures to be followed for quasi-judicial hearings are generally the same as for all other public hearings. However, Florida law contains specific requirements for quasi-judicial hearings. The Village Attorney and Wellington Staff shall identify matters on the agenda that are quasi-judicial in nature. All persons wishing to testify must first be sworn and shall be subject to cross-examination. The Village Council and Village Attorney may question any person who presents testimony or argument concerning the quasi-judicial matter. Any objections made during the quasi-judicial hearing shall be ruled upon by the Council after considering the advice of the Village Attorney.
- b. **Nature of Quasi-Judicial Proceedings.** A quasi-judicial proceeding is a public hearing that resembles a court proceeding and provides for sworn testimony, documentary evidence, cross-examination, and evidentiary objections. Because the Council sits in a “judge-like” capacity, the term quasi-judicial has been used to describe such proceedings. In a quasi-judicial proceeding, the Council is required to apply existing policies to a particular situation and determine, based upon the evidence presented, whether such request should be granted. Examples of quasi-judicial matters include site-specific rezonings, application of the zoning code, zoning variances, special exceptions, special use permits, master plan amendments, and compatibility determinations or conditional uses.
- c. **Parties to the Proceedings.** The parties to a quasi-judicial proceeding shall be the person whose property or interests are directly involved in the matter (the “Applicant”) and the Village of Wellington. All other members of the public, including Interested Parties, are participants. Only parties to the proceeding are entitled to cross-examine witnesses.
- d. **Interested Party.** Although not a party to the proceeding, an Interested Party, as defined in Wellington’s Land Development Regulations, has standing to intervene in a quasi-judicial matter and may be afforded additional time to speak on the item under consideration. A person seeking Interested Party status shall request such status as early in the proceedings as possible, but no later than the close of business five (5) business days before the commencement of the applicable hearing.
- e. **Due Process Shall be Afforded.** The parties are entitled to due process, which means reasonable notice and a fair and meaningful opportunity to be heard. Notice is reasonable if it is “reasonably calculated, under all the circumstances, to apprise the parties of the pendency of the action and afford them an opportunity to present their objections.” The opportunity to be heard includes the right to cross-examine Staff, Interested Parties, witnesses, and members of the public.
- f. **Decisions Shall be Based on Competent Substantial Evidence.** All decisions on quasi-judicial matters must be based on competent substantial evidence presented at the hearing. Competent evidence is “*such relevant evidence as a reasonable mind*

would accept as adequate to support a conclusion.” Substantial evidence is evidence that is “real, material, pertinent, and relevant to establish an essential element.” Competent substantial evidence shall include the agenda, back-up materials, the entire project file, and factual testimony and evidence presented at the hearing, including Wellington Staff presentations and testimony of the Applicant, expert witnesses, as well as fact testimony presented by the public participants or Interested Parties. Only fact-based evidence shall be relied upon. General public or neighborhood opposition, support, or opinion testimony shall not be considered as competent substantial evidence.

- g. Ex Parte Communications Shall be Disclosed.** Ex parte communications are those written or oral communications concerning a quasi-judicial matter pending before the Council, including any site visits by Councilmembers. Ex parte communications are inherently improper and are presumed to be prejudicial. To cure the presumption of prejudice, prior to receiving any evidence, each Councilmember shall disclose all ex parte communications. The disclosure shall include the subject of the communication, the identity of the person or group with whom the communication took place, and shall summarize the substance of the communication. For site visits, the date and substance of the site visit shall be disclosed. Any written ex parte communications received by Councilmembers shall be given to the Village Clerk, to the extent those communications are not already included in the project file. Each Councilmember independently decides whether to engage in any ex parte communication.
- h. Legislative (Non-Quasi-Judicial) Items.** Legislative items are Council actions that result in the creation of a general rule of policy applicable to all citizens. Examples include adoption of ordinances, adoption of comprehensive plan amendments, adoption and revision to land development regulations, adoption and revision to codes of ordinances, and decisions relating to expenditure of public funds. Legislative items being proposed by or presented by an Applicant or an Applicant’s agent require a public hearing and, with the agreement of the Applicant, may be combined with the public hearing required for related quasi-judicial items. If combined, the public hearing will be considered quasi-judicial. Such items shall be subject to the time limitations set forth in section IV(i) below.
- i. Order of Presentation and Time Limits.** The general order of presentation and corresponding time limits shall be as follows:

		<b>Time Limit</b>
1.	Announcement of the item(s) by the Manager or Mayor.	Unlimited
2.	Swearing in of witnesses.	Unlimited
3.	Disclosure by Council of ex parte communications.	Unlimited
4.	Presentation by Applicant, including expert witness testimony.	20 minutes*
5.	Cross-examination of Applicant and expert witnesses by Staff.	5 minutes
6.	Questioning of Applicant and its expert witnesses by Council	Unlimited



	and the Village Attorney.	
7.	Wellington Staff presentation, including expert witness testimony.	20 minutes
8.	Cross-examination of Staff and expert witnesses by Applicant.	5 minutes
9.	Questioning of Staff and its expert witnesses by the Council and Village Attorney.	Unlimited
10.	Interested Party presentation, including any expert witness testimony.	10 minutes
11.	Cross-examination of Interested Party and its expert witnesses by Applicant and Staff.	5 minutes
12.	Questioning of Interested Party and its expert witnesses by the Council and Village Attorney	Unlimited
13.	Comments from members of the public.	3 minutes per speaker
14.	Cross-examination of members of the public by Applicant and Staff, which shall occur immediately after their comments are made.	2 minutes per party
15.	Final arguments by Applicant.	5 minutes
16.	Final questions from the Council, which then closes the evidence.	Unlimited
17.	Deliberations and disposition by Council. The Council may adjourn the proceedings to further deliberate, consider additional evidence, or request that the Village Attorney prepare and bring back for consideration a final order based on their deliberations. The Council may move to approve, approve with conditions, or deny without any further delay.	Unlimited

\*The Council may, in its discretion, provide an Applicant with additional time for its presentation based on the number of applications being presented and/or the complexity of the application(s).

In the event that a hearing is continued to a subsequent date after one or more of the steps in the order of presentation listed above have occurred, but prior to the final disposition of the matter by the Council, the subsequent hearing shall continue from the point that the prior hearing ended through the deliberations and disposition by Council. Under no circumstances shall an Applicant, an Interested Party, or a member of the public be permitted to exceed the time limitations set forth above in a single hearing, even if that hearing is continued to a subsequent date, except (1) if there has been a material change to the application since the prior hearing or (2) upon a majority vote of the Council. For purposes of this paragraph, a material change means an increase in density or intensity of the proposed project at the request of the Applicant.

- j. Agents/Representatives of Interested Parties.** During the hearing, an Interested Party may speak on their own behalf or they may be represented by an agent, so long as such agent is a land development professional such as an attorney, planner, or architect. An agent representing one (1) or more Interested Parties may only speak for

a total of ten (10) minutes as set forth in section IV(i) above, regardless of the number of individuals/entities they represent. Under no circumstances shall an Interested Party or their agent receive more time than the Applicant.

- k. Agents/Representatives of Members of the Public.** During the public comment portion of the hearing, a member of the public may speak on their own behalf, on behalf of others, or both. However, each speaker may only speak for a total of three (3) minutes as set forth in section IV(i) above, regardless of the number of individuals/entities they represent. A person or entity who participates in the proceeding as an Interested Party, whether on their own behalf or through an agent/representative, may not separately participate in the hearing during the public comment section, whether on their own behalf or through an agent/representative.

## **V. Public Participation and Comment**

- a. Importance of Citizen Input.** The Council recognizes the important right of all citizens to express their opinions on the operation of Wellington government and encourages citizen participation in local government process by expressing opinions on Wellington Business. Furthermore, the Council recognizes the need to conduct orderly and efficient meetings so that Wellington Business may be completed efficiently, effectively, and timely. Members of the public wishing to speak at Council meetings shall comply with the procedures set forth below.
- b. Procedure for Citizen Input on Individual Agenda Items.** Any member of the public wishing to speak on a particular agenda item, or who desires to make their position known but does not want to address the Council on a particular agenda item, shall complete a comment card and present the card to Staff. Only those individuals who have submitted comment cards and who have been recognized by Council may address the Council. Any member of the public who has filled out a card must be present when the Council announces the person's name if they desire to be recognized to speak. Each commenter shall state their name and address, and will be given three (3) minutes to provide on-topic comment on the particular agenda item under consideration. Remarks shall be addressed to the Mayor/Chair, and not to any particular council member or to any person in the audience. At the end of the allotted time, an alarm will sound and the speaker shall conclude their comments and return to their seat. If an individual does not wish to speak and instead submits a card with their comment noted, it is within the Council's discretion to read the comment into the record. If the Council does not read the comment, the comment card is nonetheless submitted as part of the official record.
- c. Public Comment.** The Council provides time at the end of its meetings for public comment on non-agenda items, giving citizens the ability to address the Council for three (3) minutes on any matter germane to Wellington Business that is not currently before the Council. Citizens participating in the public comment shall complete a comment card and state their name and address as indicated above. Remarks during

public comment shall pertain to Wellington Business and be addressed to the Mayor/Chair, and not to any particular council member or to any person in the audience. All comments will be reflected in the record of the meeting. Council shall refrain from responding or reacting to the comments, and if some action is required, Council shall direct the Village Manager or Village Attorney to attend to the matter and report back to the Council at a future date, if warranted.

- d. Public Comment Extended Presentation.** If any member of the public wishes to address the Council during public comment for longer than three (3) minutes, the extended presentation must appear on an Agenda. A request for an extended presentation shall be made through the Village Manager's office and shall include the following: The requester's name and address, whether the requester is a resident of Wellington, whether the requester is presenting on behalf of a group or other individuals and, if so, the identity of the group or individual on whose behalf the requestor is presenting, and a brief outline of the presentation. To be placed on an Agenda, the request for an extended presentation must be received by the Village Manager no later than five (5) business days prior to the meeting at which the requester wishes to speak and the topic of discussion must pertain to Wellington Business. The maximum amount of time provided for an extended presentation during public forum is fifteen (15) minutes.
- e. Meeting Decorum.** The content of all public comment shall be limited to Wellington Business. Comments relating to agenda items appearing on the regular or consent agenda shall be relevant to the particular item and addressed when the item is considered, not during the general public comment section at the end of the meeting. No profane, disrespectful, or threatening language or gestures or disruptive conduct shall be allowed. Persons violating these rules will be asked by the Mayor to conform their comments and conduct to these rules. If the commenter fails to comply, the Mayor may turn off their microphone. Citizens may be removed from a meeting for failure to observe rules of decorum, and may be banned from future meetings, when appropriate.
- f. Signs, Placards, Banners.** For public safety purposes, no signs or placards will be permitted at meetings if the signs are mounted on sticks, posts, poles, or similar structures. All other signs shall not disrupt meetings or interfere with the visual rights of others.

## **VI. Rules of Debate, Motions**

- a. Presiding Officer.** The Presiding Officer shall call the meeting to order. The Presiding Officer shall be the Mayor and, if the Mayor is not present, the Vice Mayor. In the absence of the Mayor and the Vice Mayor, the Village Clerk shall call the meeting to order for the purpose of electing a temporary presiding officer. For Boards and Committees, the Presiding Officer shall be the Chair and, if the Chair is not present, the Vice Chair. In the absence of the Chair and Vice Chair, the most senior member of

the Board or Committee shall serve as the Presiding Officer.

- b. Right of Participation.** Every member of Council has a right to speak in the debate and shall be recognized by the Presiding Officer.
- c. Preservation of Order.** The Presiding Officer shall preserve order and decorum and shall confine members in debate to the question under discussion.
- d. Point of Order.** Any Councilmember who believes a breach of these rules has occurred has a right to call immediate attention to the matter by raising a “point of order.” The Presiding Officer shall decide all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, “Shall the decision of the Presiding Officer be sustained?” and the Council shall decide by a majority vote.
- e. Motion to Reconsider.** An action of the Council may be reconsidered at the same meeting or the very next regular meeting of the Council. A motion to reconsider may only be made by a member who voted on the prevailing side of the question, and is debatable. A motion to reconsider shall not be entertained: (1) if the approved action has been partially or fully carried out or, in the case of a development order, the Applicant has made a substantial change in position or incurred significant obligations and expenses in reliance on the development order approval; (2) if the motion concerns a contract, when the party to the contract has been notified of the outcome; or (3) if the vote has caused something to be done that is impossible to undo. Adoption of a motion to reconsider shall rescind the original action; therefore, a new motion, second, and vote is required to take formal action on the item, if desired, and may take place at a future meeting. If a timely motion to reconsider is not raised, yet a Councilmember would like to revisit an issue, that issue may be placed on a future agenda provided that: (1) new relevant information has been discovered that if known at the time of the original vote could have produced a different outcome; (2) the majority of the Council approves the item to be placed on the agenda; and (3) none of the instances set forth above exist that would prohibit a motion to reconsider.
- f. Motion to Postpone or Continue.** If a member would like to defer consideration of a matter, a motion to postpone or continue is in order, which may include a time and date to continue the discussion. When postponing an advertised public hearing, a time and date certain should, where practical, be included in the motion. This motion is debatable.
- g. Motion to Close Debate/Call the Question.** Any Councilmember may move to close debate/call the question on the motion being considered. This motion is not debatable and requires a supermajority vote of the members. If the motion passes, all discussion ends and a vote is taken on the motion on the floor.

## **VII. Voting**

- a. **Voting.** The manner in which voting on a motion takes place shall enable the Village Clerk to ascertain the individual vote of all Councilmembers present and voting on the matter. All Councilmembers shall vote on any issue that comes before the Council if they are present at the dais or otherwise able to cast the vote, unless they have a voting conflict as defined in the Florida Statutes and the Palm Beach County Code of Ethics.
- b. **Voting Conflict.** No Councilmember shall vote on a matter when the Councilmember has a voting conflict pursuant to Sections 112.3143 or 286.012, Florida Statutes, or Section 2-443 of the Palm Beach County Code of Ethics. Furthermore, in accordance with the Palm Beach County's Code of Ethics, any Councilmember with a conflict shall publicly disclose the nature of the conflict and shall not participate in the discussion of the item. The abstaining member shall leave the room during the discussion of and voting on the item, and shall comply with the requirements of state law, as applicable, including the filing of Form 8B "Memorandum of Voting Conflict" with the Village Clerk within 10 days of the meeting at which the conflict was declared. A copy of Form 8B shall also be filed with the Palm Beach County Commission on Ethics.
- c. **Vote Change.** Any Councilmember may change his or her vote before the next item is called for consideration.
- d. **Tie Vote.** A tie vote shall result in the failure of the motion; however, there is no prevailing side for the purpose of a Motion to Reconsider. Any Councilmember may, at the next regular meeting and with approval by a majority of the Council, request that the item be placed on a future agenda for consideration.

### VIII. Construction, Suspension, and Amendment of Rules

- a. **Construction of Rules.** These rules serve to promote the efficient and orderly conduct of Wellington Business only. No violation of these rules shall invalidate any action of the Council when approved by a majority vote, or supermajority vote, where required. To the extent a procedural matter is not addressed in these rules, Roberts Rules of Order, latest edition, shall serve as a guide to such proceedings.
- b. **Suspension of Rules.** Any provision of these rules not governed by the Village Charter, the Code of Ordinances, or general law may be temporarily suspended for that meeting by a majority vote of all the Councilmembers present.
- c. **Amendment of Rules.** These rules may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.