

Council Procedures
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VILLAGE OF WELLINGTON COUNCIL PROCEDURES

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 other Wellington Boards and Committees. When reference is made to Council herein, it shall include all Wellington Boards and Committees, unless otherwise stated. The purpose of these rules and procedures are to provide for an efficient and orderly functioning of Council 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; and to preserve the spirit and harmony within the Council and those appearing before it. 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.c below.

II. Meetings

- a. **Meetings 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.**
 - i. **Regular Meetings.** The Council shall meet in the Council Chambers at Village Hall, or other designated place within the Village boundaries. Regular Council meetings shall commence at 7:00 p.m., on the second and fourth Tuesday of each month, unless otherwise specified.
 - ii. **Agenda Review.** The Council shall meet with the Village Manager, the Village Attorney, and Village 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. 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 issue.
 - iii. **Workshops.** Workshops are held to discuss items of special importance or complexity that require longer than usual staff presentations and Council questions. No dispositive motions or decisions will be made at any workshop, and public comment will not be allowed unless a majority of Council in attendance invites public comment on an issue. Workshops will be publicly noticed and held on an as-needed basis.
 - iv. **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 Council Members, 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 by Councilmember.** 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 unanimous approval of all 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 indicate why it is appropriate for the Councilmember to participate remotely. The vote to allow remote participation shall be the first item of business at the meeting and the Councilmember requesting remote participation shall not deliberate or vote. No Councilmember shall be permitted to participate, deliberate, or vote on any quasi-judicial matter before the Council.
- e. **Curfew.** Section 2-34 of the Code of Ordinances controls all matters pertaining to meeting curfews.
- f. **Minutes.** Minutes of Council meetings, as well as Board and Committee meetings shall be kept by the Village Clerk in accordance with Florida law, where applicable, as well as in accord with Section 2-291 of the Wellington 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:
 - i. Call to Order
 - ii. Invocation
 - iii. Pledge of Allegiance
 - iv. Approval of Agenda
 - v. Presentations and Proclamations
 - vi. Consent Agenda
 - vii. First Public Forum
 - viii. Public Hearings
 - ix. Regular Agenda

- x. Second Public Forum
 - xi. Attorney's Report
 - xii. Village Manager's Report
 - xiii. Council Reports
 - xiv. Adjournment
- b. **Agenda.** The Village Manager 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 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:
 - i. Village Manager announces item.
 - ii. Presentation by staff, if any.
 - iii. Discussion and questions by Council.
 - iv. Public Comment.
 - v. Further discussion by Council.
 - vi. Motion made, and discussion/amendment of the motion, if necessary. If a motion does not receive a second, that motion dies and another motion may be made.
 - vii. 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 Village 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. Any objections made during the quasi-judicial hearing shall be ruled on by the Council after considering the advice of the Village Attorney.

- b. **Order of Presentation.** The general order of presentation shall be:
 - i. Swearing in of witnesses.
 - ii. Disclosure by Council of ex parte communications.
 - iii. Village staff presentation, including overview and recommendation.
 - iv. Presentation by Applicant, including cross-examination of Village Staff and Council.
 - v. Presentation by Interested Parties, including cross-examination of Village staff and Council.
 - vi. Comments from members of the public. The Applicant and Interested Parties may cross-examine members of the public immediately after their comments are made.
 - vii. Final Arguments by Petitioner, followed by final argument of Interested Parties.
 - viii. Final questions from Village Council, which then closes the evidence.
 - ix. Deliberations and disposition by Council. The Council may adjourn the proceedings to further deliberate, consider additional evidence, or request the Village Attorney to 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.
- c. **Parties.** The parties to a quasi-judicial proceeding shall be the person whose property or interests are directly involved in the matter (the “Applicant”) and any person or entity that has formally intervened in the matter (an “Interested Party”). A person seeking interested party status shall: (a) request such status as early in the proceedings as possible, but no later than two (2) business days before the commencement of the Council’s hearing. Unless granted additional time by a majority vote of the Council, the Applicant is limited to 20 minutes for presentation (excluding cross-examination), Interested Parties are limited to 15 minutes (excluding cross-examination), and the public is limited to 3 minutes per comment. Final arguments by the Applicant and Interested Parties are limited to 5 minutes each.
- d. **Ex Parte Communications.** Ex parte communications are those written or oral communications concerning a quasi-judicial matter pending before the Council, including any site visits by Councilmembers. Each Councilmember shall disclose all ex parte communications, including site visits. 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 subsistence 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 makes their own independent decision whether or not to engage in any ex parte communication.

- e. **Decisions Based on Competent Substantial Evidence.** All decisions on quasi-judicial matters shall be based upon the competent substantial evidence presented at the hearing, which shall include the agenda, back-up materials, the entire project file, and factual testimony and evidence presented, including Village Staff presentations and any expert witnesses, as well as fact testimony presented by the public. General opposition, support, or opinion testimony shall not be considered as competent substantial evidence.

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 Village government and matters before the Council. Furthermore, the Council also recognizes the need to conduct orderly and efficient meetings.
- 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 Board on a particular agenda item, shall complete a comment card and present the card to staff. The citizen will be recognized by the Council and either be called forward to comment on the item indicated or the citizen's card shall be read into the record. Each commenter shall state their name, address, and will be given three (3) minutes to provide on-topic comment on the particular agenda item. At the end of the allotted time, an alarm will sound.
- c. **Public Forum.** The Village provides time at the beginning and the end of the meetings for a public forum, giving citizens the ability to address the Council on any Village issue not currently before the Council. Citizens shall complete a comment card as indicated above, and remarks shall pertain to Village business and be addressed to the Council as a whole, and not to any particular council member. 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 to attend to the matter and report back to the Council at a future date, if warranted.
- d. **Public Forum Extended Presentation.** If any member of the public wishes to address the Council during Public Forum for longer than three 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 the Village, whether the requester is presenting on behalf of a group or other individuals and, if so, the identity of the group or individual the requestor is presenting on behalf of, 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 seven (7) business days prior to the meeting at which the

requester wishes to speak. The maximum amount of time provided for an extended presentation during public forum is fifteen (15) minutes.

- e. **Meeting Decorum.** No slanderous, negative personal remarks, or disruptive behavior shall be allowed. The Mayor may turn off the microphone at any time the Mayor feels that these guidelines or rules for order are being violated. Citizens may be removed from the meeting, and Council may ban violators from speaking at future meetings pursuant to a majority vote. Permission to lift the ban may be granted by a majority vote of the Council.
- f. **Signs, Placards, Banners.** For public safety purposes, no signs or placards will be permitted into meetings if the signs are mounted on sticks, posts, poles, or similar structures. All other signs shall not disrupt meetings or interfere with others' visual rights.

VI. Rules of Debate, Motions

- a. **Presiding Officer.** The Presiding Officer shall be the Mayor and, if the Mayor is not present, the Vice Mayor. In the absence of the Mayor and Vice Mayor, the Village Clerk shall call the meeting to order for the purpose of electing a temporary presiding officer.
- b. **Decorum.** Every member of the Council has a right to speak in the debate and shall be recognized by the Presiding Officer.
- c. **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 entire Council. If an appeal is taken, the question shall be "Shall the decision of the Chair be sustained" and the Council shall decide by a majority vote.
- d. **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; (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 board 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.

- e. **Motion to Postpone.** If a member would like to defer consideration of a matter, a motion to postpone 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.
- f. **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 Council shall decide any matter before it by motion, and any Councilmember, may make a motion. The Mayor may also make a motion after first passing the gavel to the Vice Mayor. The manner in which voting on a motion takes place shall enable the Village Clerk to ascertain the individual vote of all Councilmembers. All Councilmembers shall vote on all issues that come before the Council if they are present at the meeting and are otherwise able to cast a vote, free of conflict. Passage of any motion shall be done by majority vote, unless otherwise required by law, including the Village Charter, Code of Ordinances, and Land Development Regulations.
- 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 Palm Beach County's Code of Ethics, any Councilmember with a conflict shall not participate in the discussion of the item. The abstaining member 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 are for the efficient and orderly conduct of Village Council, Board, and Committee business only. No violation of such rules shall invalidate any action of the Council when approved by a majority vote, or supermajority vote, where required.

- 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 vote of the majority of all Councilmembers present.
- c. **Amendment of Rules.** These rules may be amended, or new rules adopted, by a majority vote of all Councilmembers, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.