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RESOLUTION NO. R2011-75

**A RESOLUTION OF THE WELLINGTON, FLORIDA'S COUNCIL
REVISING THE RULES OF PROCEDURES FOR COUNCIL
MEETINGS BY MODIFYING THE ORDER OF BUSINESS TO
MOVE THE PUBLIC COMMENT PORTION OF THE MEETING
IMMEDIATELY AFTER THE CONCLUSION OF THE REGULAR
AGENDA; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Wellington's Council adopted Rules of Procedures for Council meetings through the passage of Resolution R2007-16; and

WHEREAS, the Council is desirous of amending the Rules of Procedure by giving the public an opportunity to speak on non-agenda matters earlier in the meeting; and

WHEREAS, since the passage of Resolution R2007-16 Wellington has built a new City Hall in which it conducts its meetings and therefore up to this point in time, the Rules of Procedure have not been amended to reflect the change in location of those meetings".

NOW THEREFORE, BE IT RESOLVED BY WELLINGTON FLORIDA'S COUNCIL THAT:

SECTION 1. The foregoing recitals are hereby affirmed and ratified as being true and correct.

SECTION 2. The Rules of Procedure governing the conduct of Village Council and ACME Board of Supervisors meetings are hereby amended to reflect the new City Hall location and the alternation in the order of business of the meeting as set forth in Section 5.1 to reflect that the public forum shall take place immediately following the regular agenda.

1. AUTHORITY:

The Village Council of the Village of Wellington may adopt its own rules of procedure for meetings to the extent they do not conflict with Section 2-40 of the Wellington Code of Ordinances or general law. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

2. GENERAL RULES:

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

2.2. Quorum. A majority of the members of the Council shall, free of voting conflict, 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.

1 **2.3 Requesting Attendance.** The Council may adjourn from time to time to request
2 the attendance of absent members.

3
4 **2.4 Attendance through telephone or video conference.** The attendance of a
5 Councilmember by telephone, conference or other technological means is not
6 encouraged, but may be allowed by the unanimous approval of Councilmembers
7 physically in attendance at the location of the meeting. A quorum must always be
8 physically present at the location where the meeting is taking place. In order to attend by
9 telephone or video conference, a Village Councilmember must request the opportunity, to
10 be present by telephone or video conference, prior to the scheduled meeting, preferably at
11 a previous meeting of the Village Council. The request should indicate the reason for their
12 physical absence and reasons they believe it is appropriate to participate by telephone
13 and/or video conference. The requester(s) shall not participate in the deliberation and vote
14 to allow the offsite participation. Prior to the requesting Councilmember participating in
15 the meeting by telephone or video conference, the other members physically present at
16 the meeting, shall have unanimously voted in favor of a motion of approval to allow the
17 offsite Councilmember's participation in the meeting.

18
19 **2.5 Minutes of Proceedings.** Minutes of the meetings of the Council shall be kept by
20 the Village Clerk, except for such meetings as are exempt by general law.

21
22 **2.6 Right of Floor.** Any Councilmember desiring to speak shall first be recognized
23 by the Presiding Officer, and shall confine his or her remarks to one subject under
24 consideration or to be considered

25
26 **2.7 Village Manager.** The Village Manager or their designee is expected to attend all
27 meetings of the Council and shall have the right to take part in all discussions of the
28 Council.

29
30 **2.8 Village Attorney.** The Village Attorney or their assistant is expected to attend all
31 meetings of the Council and provide guidance and opinions, on questions of law and shall
32 act as the Council's parliamentarian by advising the Presiding Officer regarding matters of
33 procedure.

34
35 **2.9 Village Clerk.** The Village Clerk or his or her designee shall attend all meetings of
36 the Council and shall keep the official minutes of proceedings and perform such other
37 duties as may be requested by the Village Manager or Council.

38
39 **2.10 Rules of Order.** *Roberts Rules of Order Newly Revised* shall serve as a guide to
40 the proceedings of the Council. The presiding officer shall enforce parliamentary rules for
41 the meeting in accordance with *Robert's Rules of Order, Newly Revised*. Any of the
42 parliamentary rules may be suspended by the vote of four members of the Village Council
43 for the meeting then in session.

44
45 **2.11 Meeting Curfew.** In accordance with section 2-34 of the Code of Ordinances all
46 regular meetings of the Village Council must be adjourned no later than on or about 11:00
47 p.m. on the date when a meeting is convened, unless the Village Council votes to extend
48 the time of the meeting. If there is any pending business on the floor at 11:00 p.m. and the

1 meeting is not extended, such pending matters shall be the first business items considered
2 at the next regularly scheduled Council Meeting.

3
4 **2.12 Record of Meetings.** Whenever possible, the Village Clerk shall make an audio
5 and video tape of the Village Council regular workshop and special meetings. However,
6 any person desiring to appeal a decision of the Village Council will need to ensure that a
7 verbatim record is made which includes the testimony and evidence upon which the
8 appeal is based. The Village neither provides nor prepares such records. In the event
9 an appeal is filed, the party who files the appeal and has used a court reporter to
10 prepared a transcript of the record shall make such transcripts available to the Village at
11 their costs.

12
13
14 **3. TYPES OF MEETINGS:**

15
16 **3.1 Regular Meeting.** The Council shall meet in the Council Chambers at the City Hall
17 ~~Community Center~~ or another designated place within the Village boundaries, for
18 meetings. Regular Council meetings are to commence at ~~6~~7:00 p.m., on the second and
19 fourth Tuesday of each month, unless otherwise specified.

20
21 **3.2 Agenda Review.** The Village Council shall meet with Senior Staff, Village
22 Manager and Village Attorney at ~~3:00~~3:04:00 p.m. the day before the regularly scheduled
23 Village Council meeting to review matters that will be coming before them at the
24 upcoming meeting. The meetings shall be an opportunity for Council to questions staff
25 about the item on the agenda. No formal action or decision will be made by the Council
26 at the Agenda Review session. The meeting will be open to the public, but public
27 comment is not permitted unless a majority of the Councilmembers attending the
28 meeting invites public comment on an issue. The Agenda Review meeting will be held
29 at 3:00 p.m. at the Village City Hall located at ~~14000 Greenbriar~~, 12300 Forest Hill
30 Boulevard, Wellington, Florida, unless another location is chosen instead and noticed by
31 the Village Clerk.

32
33 **3.3 Special Meetings.** Special meetings may be called by the Mayor, or in his or her
34 absence, the Vice Mayor, or without regard to the presence or absence of the Mayor or
35 Vice- Mayor, a special meeting may be called upon the request of three or more members
36 of the Village Council and as otherwise provided by the Village Charter. The call for
37 special meetings shall be filed with the Village Clerk, except that an announcement of a
38 special meeting during any regular meeting shall be sufficient notice of such special
39 meeting unless otherwise provided by general law or ordinance. Unless the meeting is of
40 an emergent nature, there shall be a seventy two (72) hour notice to each Councilmember
41 and the public, of any special meeting of the Council. At a meeting called as an
42 emergency meeting, the Village Council's first order of business shall be to discuss the
43 nature of the emergency and affirm by majority vote that emergent conditions exist,
44 justifying the special meeting. Only after such motion and vote can the Council conduct
45 any other business.

46
47 **3.4 Workshop Meetings.** Meetings called as workshop meetings are intended to
48 provide information to Councilmembers about items on the agenda. Discussion on the

1 matters presented to Council, at a workshop, is expected to be less formal, as no
2 dispositive motion may be made at a workshop. Public comment, concerning a matter on
3 the workshop meeting agenda, shall only be allowed after receiving the consent of a
4 majority of the Councilmembers attending the meeting. Workshop meetings will be
5 scheduled for the third Tuesdays of each month as needed, beginning at 5:00 p.m. The
6 workshop meetings shall be held at the Village City Hall located at 14000 Greenbriar
7 12300 Forest Hill Boulevard, Wellington, Florida, unless another location is designated by
8 the Village Clerk.
9

10 **4. PRESIDING OFFICER AND DUTIES:**

11
12 **4.1 Presiding Officer.** The Mayor, if present, shall preside at all meetings of the
13 Council. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of
14 both the Mayor and the Vice Mayor, the meeting shall be called to order by the Village
15 Clerk for the purpose of electing a temporary presiding officer.
16

17 **4.2 Call to Order.** The meetings of the Council shall be called to order by the
18 Presiding Officer.
19

20 **4.3 Preservation of Order.** The Presiding Officer shall preserve order and decorum,
21 prevent attacks on personalities or the impugning of members or motives, and confine
22 members in debate to the question under discussion.
23

24 **4.4 Points of Order.** The Presiding Officer shall determine all points of order, subject
25 to the right of any member to appeal to the Council. If any appeal is taken, the question
26 shall be, "Shall the decision of the presiding officer be sustained?" A majority of the
27 Council sitting and eligible to vote is required to reverse the ruling of the Presiding
28 Officer.
29

30 **4.5 Voting.** The manner in which voting on a motion takes place, shall enable the
31 Village Clerk to ascertain the individual vote of all Councilmembers present and voting
32 on the matter. All Councilmembers shall vote on any issue that comes before the
33 Council, if they are present at the dais or otherwise able to cast the vote, unless they
34 have a voting conflict as defined in Florida Statutes.
35

36 **5. ORDER OF BUSINESS**

37
38 **5.1 Order of Business.** The general rule as to the order of business in regular
39 meetings shall be as follows:
40

41 Call to Order
42 Pledge of Allegiance
43 Invocation
44 Approval of Agenda
45 Consent Agenda
46 Presentations and Proclamations
47 Public Hearings
48 Regular Agenda

1	<u>Public Forum</u>
2	Attorney's Report
3	Manager's Report and Updates
4	Council Reports
5	Closing Comments
6	Public Forum
7	Adjournment

8
9
10 **5.2 Agenda.** The Village Manager and Staff shall prepare Agenda Items that they
11 believe should be on the Agendas for the upcoming meetings. The order of business of
12 each regular meeting shall be as contained in the Agenda. The Agenda shall be a listing
13 by topic of subjects to be considered by Council. Any and all requests to place an item on
14 the agenda shall be presented to the Village Manager by 5:00 p.m. of the 45th 43th-day
15 prior to the regular meeting. The Village Manger shall use his discretion in determining
16 whether a matter should be placed on an agenda and on which upcoming agenda the
17 matter should be presented to Council. In most cases, an item will have to be presented
18 to the Village Manager at least 3022 days prior to its inclusion on an agenda. Generally, a
19 preliminary agenda will be published by 12:00 noon on Tuesday, one week prior to the
20 regular meeting. The Village Manager may delete items from the printed preliminary
21 agenda with or without the consent of Council, but any items added to the agenda, after
22 the publication of the preliminary agenda are subject to the approval of Council. When
23 practical, backup material relating to regular meeting agenda items are to be presented for
24 the record, and shall be given to the Council by 7:00 p.m. on Wednesday, ~~Thursday~~, prior
25 to the regular meeting. The Village Staff shall attempt to provide Council with workshop
26 meeting packets ready for distribution by 7:00 p.m. on Thursday, ~~Friday~~, prior to the
27 meeting to which it pertains. If regular meetings are held other than on the scheduled
28 meeting dates, a similar lead time schedule for agenda and packet materials shall be
29 followed.

30 **5.3 Agenda Approval.** Once an item is placed on a final agenda for a specific
31 meeting, every effort will be made to discuss that item as scheduled. It may be deleted
32 only if the Council agrees to delete it. Should a Councilmember know he/she will be
33 absent from a Meeting and wishes to have discussion postponed, he/she should notify the
34 Village Manager. The Village Council will decide at the Meeting whether or not to honor
35 the request. The request must be approved by a majority of Councilmembers present and
36 voting in order for the item to be deferred. The Council will not take action upon any item
37 which is not listed upon the final agenda unless a majority of the Council shall have first
38 consented to the presentation thereof for consideration and action.

39
40 **5.4 Presentation by Members of Council.** The Agenda shall provide times when the
41 Mayor, Councilmember, Village Manager and Village Attorney may bring before the
42 Council any business that he or she feels should be deliberated upon by the Council.
43 These matters need not be specifically listed on the Agenda, but may be acted upon only
44 upon an extraordinary vote of the Council members present and eligible to vote on the
45 matter. Except in instances where extraordinary conditions are necessitated, the Mayor
46 and Council shall notify the Village Manager of forthcoming agenda topics by Tuesday at
47 5:00 p.m. of the week prior to the meeting at which the matter is to be addressed and
48 strive to supply backup materials for timely distribution with the agenda packets.

1
2 **5.5 Consent Agenda.** The Consent Agenda should be used to handle routine matters
3 on the agenda expeditiously. There is no separate discussion of these items unless a
4 Councilmember requests an item be removed for consideration in its normal sequence on
5 the agenda. The approval of the Consent Agenda is usually handled in one motion from
6 the Council table, "I move that the Consent Agenda, (the agenda number and item
7 numbers may be included) be approved; or if items are to be removed, "for good cause" or
8 "discussion", a typical motion might be, "I move that we approve the Consent Agenda
9 items ___ through ___ with the exception of item ___ for discussion.

10
11 **5.6 Agenda Items Presentation and Action.** The order of presentation and
12 discussion for an Agenda Item, other than a quasi judicial matter is as follows:
13

- 14 • Presentation of the item by a Councilmember or Staff
- 15 • Discussion and questions by the Council
- 16 • Motion and second by Council
- 17 • Comments from the Public
- 18 • Further Council Discussion
- 19 • Council action

20
21 **5.7 Public Participation.** The public is encouraged to offer comments to the Council
22 at the regular meetings on agenda items. Members of the public should endeavor to be
23 prepared prior to the meeting on issues or questions they wish to raise. Therefore, to
24 facilitate good communications, members of the public are encouraged to ask questions to
25 the Council and its professional and consultant staff and become informed outside of the
26 confines of the meeting. To further facilitate timely and accurate responses to the public,
27 staff will generally be directed to respond to questions from the public that do not relate
28 directly to the matters on the agenda outside of the meeting. Whenever a member of the
29 public has a comment on an Agenda Item, he/she should express that comment after a
30 motion has been made and seconded. A Public Comment Card should be completed
31 prior to the end of the public comment period and submitted to Staff. The resident will then
32 have three minutes to make his/her presentation. At the end of the allotted time, the timer
33 will sound and the resident will have 15 second to finish after which the microphone may
34 be turned off. Slanderous and negative personal remarks will not be permitted.
35

36 **5.8 Quasi Judicial Proceedings.** The Village Attorney and Village Staff shall identify
37 matters on the agenda that are quasi judicial in nature. For those matters all witnesses
38 who wish to testify shall first be sworn and shall be subject to cross examination. Any
39 person or representative who wishes to conduct a cross examination of witnesses or
40 present argument on behalf of themselves, their principals, or their clients, shall notify the
41 Village Clerk of such intent by 5:00 p.m. of the day preceding the meeting at which the
42 matter is to be considered. The Village Council and Village Attorney may question any
43 person who presents testimony or argument concerning the quasi judicial matter. The
44 order of presentation of quasi judicial matters before the Village Council shall be:
45

- 46 1. Swearing in of witnesses.
- 47 2. Disclosure by Councilmembers of ex parte communications
- 48 3. Overview and staff recommendation presented by Village Staff.

- 1 4. Presentation by Applicant/Petitioner including cross-examination of Village
2 Staff.
- 3 5. Presentation by representatives/persons who have given notice to the
4 Village Clerk of their interest in the matter, by the close of business on the
5 day prior to the meeting. Such presentation shall include cross
6 examination of Village Staff and Petitioner's witnesses.
- 7 6. Comments from members of the public. Petitioner and interested
8 representatives/persons may cross examine the members of the public
9 immediately after their comments are made.
- 10 7. Final arguments by Petitioner and interested representatives/ persons.
- 11 8. Final questions from Village Council and/or Village Attorney. Close of
12 evidence.
- 13 9. Deliberations and disposition by Village Council. The Village Council may
14 adjourn the proceedings to further deliberate, consider additional
15 evidence, or request the Village Attorney prepare and bring back for
16 consideration a final order based on their deliberations. The Village
17 Council may move approval and or denial, without any further delay.

18
19 Unless granted additional time by a vote of the majority of the Village Council,
20 Presentations shall be limited to 20 minutes for petitioners, 15 minutes for those
21 registered interested representatives/person, and three minutes for comments by
22 members of the public, with cross examination of members of the public limited to two
23 minutes per examiner. Final arguments shall be limited to 5 minutes. Petitioners or
24 interested parties wishing to include documentary evidence ~~or~~ and/or written argument
25 to the Village Council shall file 10 copies of such information with the Village Clerk at
26 least four working days before the scheduled hearing. The Village Clerk shall distribute
27 copies of the information to the Village Council, prior to the meeting. Documentary
28 evidence and/or written argument not given timely to the Village Clerk may not be
29 considered by the Village Council. Any objections made to either the procedural
30 matters or evidence presented at the hearing shall be ruled on by the Village Council
31 after considering the advice of the Village Attorney.

32 33 **6. ORDINANCES, RESOLUTIONS, AND MOTIONS:**

34
35 **6.1 Requests for Ordinances, Resolutions or Opinions.** Any Councilmember may
36 request the Village Manager or Village Attorney to prepare or have prepared proposed
37 ordinances or resolutions. Any Councilmember or the Mayor may request a legal opinion
38 of the Village Attorney.

39 40 **7. PUBLIC FORUM:**

41
42 **7.1 Speaking Privilege.** All public presentations are subject to the Village Council's
43 discretion. The following guidelines will be used for developing the list of speakers and for
44 conduct of the forum.

45
46 **7.2 Addressing the Council.** Any person desiring to address the Council by oral
47 communication on any subject not already on the Council Meeting agenda shall first
48 secure the permission of the Presiding Officer. Preference will be given to those persons

1 who have notified the Village Manager by 5:00 p.m. of the Monday two weeks prior to the
2 regular meeting of their desire to speak and to have their name placed on the Agenda.
3

4 **7.3 Manner of Addressing the Council -- Time Limit.** Each person addressing the
5 Council shall approach the microphone, shall give his or her name and address and the
6 organization or group they represent if any, in an audible tone of voice for the record
7 and, unless further time is granted by the Council, shall limit their address to three (3)
8 minutes. All remarks shall pertain to Village business and shall be addressed to the
9 Council as a body, and not to any member thereof. ~~No person, other than members of~~
10 ~~the Council or Mayor, and the persons having the floor, shall be permitted to enter into~~
11 ~~any discussion, either directly or through the members of the Council. No questions~~
12 ~~shall be asked of the Councilmembers or staff, except through the Presiding Officer.~~
13 The person's comments will be reflected in the record of the meeting. The Council shall
14 refrain from any immediate response or reaction to the comments. During the Council's
15 comments, if a response or action is warranted, they will direct the Manager to attend to
16 the situation and report back to the Council at a future date.
17

18 **7.4 Extended Presentation.** If any member of the public wishes to address the
19 Council for more than three minutes, the item will need to appear on the agenda. To be
20 placed on an agenda, the individual should contact the Village Manager. The individual
21 may ask for up to fifteen (15) minutes to make a presentation. At the time of the request,
22 the individual will need to present the Village Manager with a brief outline of the
23 presentation. The outline shall include the requesting name and address, whether they
24 are a resident of the Village, and whether they are representing another person, group, or
25 entity, and if so, who that person group or entity is and the address of that person group or
26 entity. Requests to be placed on an agenda must be received by the Village Manager
27 5:00 p.m. of the Monday of the week prior to the meeting, at which the individual wishes to
28 speak.
29

30 **7.5 Personal and Slanderous Remarks.** Any person making personally offensive,
31 impertinent or slanderous remarks, or who shall become boisterous or use offensive
32 language, while addressing the Council, may be requested to leave the meeting.
33

34 **7.6 Reading of Protests.** Interested persons, or their authorized representatives, may
35 address the Council for the reading of protests, petitions, or communications relating to
36 any matter over which the Council has control when the item is under consideration by the
37 Council.
38

39 **7.7 Referral of Citizens' Complaints.** The Mayor or Councilmembers, individually,
40 and the Village Council may, while in session, collectively, through motion, refer citizens
41 complaints to staff or an appropriate Village Committee.
42

43 **7.8 Written Communications.** Interested parties, or their authorized representatives,
44 may address the Council by written communication on any matter of business
45

46 **7.9 Challenges to Staff and Advisory Body Recommendations.** Anyone who is
47 challenging a staff and advisory body recommendation, concerning an item not on the
48 agenda, must submit a request in writing to be placed on the agenda at least fifteen (15)

1 days before the upcoming regular meeting. The request must contain a written
2 memorandum setting forth in detail the specific rulings or findings to which they object and
3 stating any Florida Statutes, case law, or sections of the Land Development Code,
4 Comprehensive Plan or ordinances of the Village of Wellington on which they are basing
5 their objection. Council may not consider a challenge to administrative decisions requiring
6 Planning, Zoning and Adjustment Board review or decisions of other Village Boards over
7 which the Council lacks review jurisdiction.
8

9 **7.10 Meeting Decorum.** The Mayor may turn off the microphone at the podium at any
10 time he/she feels these guidelines or rules of order are being violated. Further, the
11 Council may ban violators of meeting procedures from speaking at future meetings.
12

13 **8. SUSPENSION AND AMENDMENT OF THESE RULES:**
14

15 **8.1 Suspension of Rules.** Any provision of these rules not governed by the Village
16 Charter or Village Code may be temporarily suspended by a vote of a majority of all the
17 Councilmembers.
18

19 **8.2 Amendment of Rules.** These rules may be amended, or new rules adopted, by
20 a majority vote of all members of the Council, provided that the proposed amendments
21 or new rules shall have been introduced into the record at a prior Council meeting.
22

23 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
24 Resolution conflict with any section, paragraph, clause or phrase of any prior Village
25 Resolution, then in that event the provisions of this Resolution shall prevail to the extent
26 of such conflict.
27

28 **SECTION 4:** Should any section, paragraph, sentence, clause, phrase or other part of
29 this Resolution be declared by a court of competent jurisdiction to be invalid, such
30 decision shall not affect the validity of this Resolution as a whole or any portion or part
31 thereof, other than the part so declared to be invalid.
32

33 **SECTION 5:** This Resolution shall be effective immediately upon adoption.
34

35 **PASSED AND ADOPTED** this 11th day of October, 2011.
36

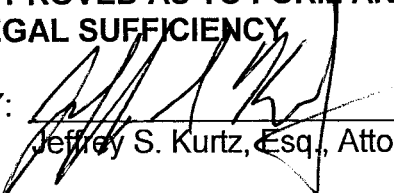
37 **ATTEST:**

38
39 BY: 
40 Awilda Rodriguez, Wellington Clerk
41

VILLAGE OF WELLINGTON

By: 
Darell Bowen, Mayor
42

43 **APPROVED AS TO FORM AND
44 LEGAL SUFFICIENCY**

45 BY: 
46 Jeffrey S. Kurtz, Esq., Attorney for Wellington
47
48