

**MEMORANDUM  
NO. 2018-005**

TO: ANNE GERWIG, MAYOR  
JOHN MCGOVERN, VICE MAYOR  
MICHAEL DRAHOS, COUNCILMAN  
MICHAEL NAPOLEONE, COUNCILMAN  
TANYA SISKIND, COUNCILWOMAN

CC: Paul Schofield  
Senior Staff  
Chevelle Nubin

FROM: Laurie S. Cohen *L.S.C.*

DATE: October 24, 2017

RE: Council Procedures

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Pursuant to your request at the agenda review meeting on October 23, 2017, attached are copies of Resolutions No. 96-2, 2007-16 and 2011-75 relating to council procedures. Also enclosed are the proposed revisions presented to you at yesterday's Agenda Review with the changes that were requested.

Please review the proposed procedures and contact my office if you have any questions or concerns. I anticipate bringing this back to you in the February timeframe.

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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~~noticed.
  - 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~~ may have up 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 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 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~~ presiding officer may turn off the microphone at any time the ~~Mayor~~ presiding officer 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.

**RESOLUTION NO. R 96-2****A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, ESTABLISHING COUNCIL BUSINESS MEETING PROCEDURES AND PUBLIC FORUM PROCEDURES.**

WHEREAS, the Village Council of the Village of Wellington, Florida, desires to establish council meeting procedures.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, THAT:

The Village Council of the Village of Wellington, Florida wishes to adopt by reference herein the Procedures for Developing Agendas and Discussion of Topics at Board of Supervisor's Business Meetings and Procedures for Developing Agendas and Discussion of Topics at Acme Public Forums as approved by the Acme Improvement District Board of Supervisors on November 29, 1994.

RESOLVED AND ADOPTED this 28<sup>th</sup> day of March, 1996.

**VILLAGE OF WELLINGTON, FLORIDA**

	<b>FOR</b>	<b>AGAINST</b>
BY: <u>Mary K Foster</u> Mary K Foster, Mayor	<u>✓</u>	<u>      </u>
<u>Dr. Carmine Priore</u> Dr. Carmine Priore, Vice Mayor	<u>✓</u>	<u>      </u>
<u>Thomas M. Wenham</u> Thomas Wenham, Councilmember	<u>✓</u>	<u>      </u>
<u>Michael McDonough</u> Michael McDonough, Councilmember	<u>✓</u>	<u>      </u>
<u>Paul A. Adams</u> Paul A. Adams, Councilmember	<u>✓</u>	<u>      </u>

ATTEST:

BY: Awilda Rodriguez  
Awilda Rodriguez, Village Clerk

## **VILLAGE OF WELLINGTON**

### ***Procedures for developing Agendas and Discussion of Topics at Village Council Business Meetings***

**Purpose:** The purpose of the Business Meetings of the Wellington Village Council is to discuss openly and freely and to act upon the business of the Village. Opportunities are provided for input from the Council, its professional staff and the public.

**Rules of Order:** The basic underlying document for governing the procedures of the meetings is Robert's Rules of Order except as otherwise noted below.

**Agenda Item Development:** The preparation of the Agenda will follow the guidelines below:

1. The Village Manager shall prepare a Schedule of Proposed Agenda Items that he/she believes should be on the Agendas for the upcoming meetings. The schedule will be assembled approximately 12 days before the next regularly scheduled Council Meeting and will list the agenda items for the next two meetings and any future agenda items that the Council may want to consider. A Council Member can request an item to be added to an Agenda at any time. Staff will make its best effort to provide the necessary back-up materials for consideration of the item.
2. Approximately seven days prior to each Council Meeting, Staff will provide the Council and the Public with the formal Agenda and backup materials.
3. Once an item is placed on an Agenda for a specific meeting, every effort will be made to discuss that item as scheduled. It may be deleted only if the Council agrees to delete it, if consultant review is not complete or the backup material has not been finalized. Should a Council Member know he/she will be absent from a Meeting and wishes to have discussion postponed, he/she should notify the Village Manager. The Village Council will decide at the Meeting whether or not to honor the request. In the event of a 2-2 vote, the wishes of the absent Council Member will determine the outcome.
4. The Council will not take action upon any item which is not listed upon the official Agenda unless a majority of the Council shall have first consented to the presentation thereof for consideration and action.
5. Structure of the Regular Business Meeting will consist of the following:
  - a) Consent Agenda Items (those items which the Council does not need to discuss individually and may be voted on as a group).
  - b) Regular Agenda Items (those items which the Council will discuss individually).



- c) Workshop Agenda Items (those items that are not routine in nature and the Council may desire to discuss at more than one meeting).

**Agenda Items Presentation and Action:** The order of presentation and discussion for an Agenda Item is as follows:

- Presentation of the Item by a Council Member or Staff
- Discussion and questions by the Council
- Motion and second by Council
- Comments from the Public
- Further Council Discussion
- Council action

**Public Participation:** The public is encouraged to offer comments to the Council at the Business Meetings on agenda items. It is not a time to direct general questions to the Council and its professional and consultant staff. Those questions should be directed to the professional staff at Village Administration Offices and answers, if available, will be provided.

Whenever a member of the public has a comment on an Agenda Item, he/she should express that comment after a motion has been made and seconded. A Public Comment Card should be completed prior to the end of the public comment period and submitted to Staff. The resident will then have three minutes to make his/her presentation. An additional three minutes time may be borrowed for a maximum speaking time of six minutes. A Comment Card should be submitted by a citizen in attendance indicating that they wish to donate three minutes to a specified speaker. At the end of the allotted time, the timer will sound and the resident will have 15 seconds to finish after which the microphone will be turned off. Slanderous and negative personal remarks will not be permitted.

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

## **VILLAGE OF WELLINGTON**

### ***Procedures for Developing Agendas and Discussion of Topics at Public Forums***

**Purpose:** The purpose of the Public Forum is to permit members of the public to make presentations of their points of view to the Wellington Village Council. It further allows the Council to discuss these presentations and to receive input from its professional staff. No official Council action will be taken at this meeting.

**Rules of Order:** The basic underlying document for governing the procedures of the meetings is Robert's Rules of Order except as otherwise noted below.

**Public Presentations:** The following guidelines will be used for developing the list of speakers and for conduct of the Forum.

1. Any member of the public wishing to address the Council and appear on the agenda should contact the Village Manager. The resident may ask for up to 15 minutes to make a presentation. At the time of the request, the resident will need to present the Village Manager with a brief outline of the presentation. Requests may be made up to five days prior to the meeting.
2. The Village Manager shall prepare a list of those parties requesting to make presentations, the speaker's topic(s) and the amount of time requested. That list will be forwarded to the Council four days prior to the meeting.
3. After the scheduled presentations have been made, any member of the public present, who has not already spoken, may speak for up to three minutes. To be recognized as a speaker, the citizen should complete a comment card and submit it to the staff present at the meeting.

**Meeting Decorum.** At the end of the allotted time, the timer will sound and the resident will have 15 seconds to finish after which the microphone will be turned off. It should be noted that slanderous and negative personal remarks will not be permitted and the microphone may be turned off if it is determined that these guidelines and the rules of order are being violated. Further, the Council may ban violators of meeting procedures from speaking at future meetings.

**RESOLUTION NO. R2007-16**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA ADOPTING RULES OF PROCEDURE FOR COUNCIL MEETINGS PROVIDING FOR AUTHORITY, GENERAL RULES, TYPES OF MEETINGS, PRESIDING OFFICER AND DUTIES, ORDER OF BUSINESS, ORDINANCES, RESOLUTIONS, AND OPINIONS, CITIZEN PRESENTATIONS, SUSPENSION AND AMENDMENT OF RULES; PROVIDING A REPEALER CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council recognizes the need to establish and adopt rules of procedure for Council meetings; and

**WHEREAS**, the Village Council of the Village of Wellington adopted by reference in Resolution R 96-2, the Procedures for Developing Agendas and Discussion of Topics at board of Supervisor's Business Meetings and Procedures for Developing Agendas and Discussion of Topics at Acme Public Forums as approved by the Acme Improvement District Board of Supervisors; and

**WHEREAS**, the Village Council of the Village of Wellington, Florida, desires to more completely outline its rules and procedures for the conduct of meetings; and

**WHEREAS**, it is recognized that rules of procedure will establish consistent agendas and orderly meetings; and

**WHEREAS** the Village Council feels it in the best interest of the Village of Wellington to accept and adopt by Resolution Council Meeting Rules of Procedure; and

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON FLORIDA that:**

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

**SECTION 2:** All previous iterations of Procedures for Developing Agendas and Discussion of Topics at Board of Village Council Meetings and Procedures for Developing Agendas and Discussion of Topics at Village Public Forums are repealed and no longer in effect.

**SECTION 3:** The following rules of procedure shall govern the conduct of Village Council and Acme Board of Supervisors meetings.

1   **1.    AUTHORITY:**

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

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11   **2.1.   Meetings to be Public.** All meetings of the Council shall be open to the  
12 public, except for such meetings as are exempt by general law.  
13

14   **2.2.   Quorum.** A majority of the members of the Council shall, free of voting  
15 conflict, constitute a quorum and be necessary for the transaction of business. If  
16 a quorum is not present, discussion of the issues may take place, but no  
17 decision, direction, or vote on a matter shall occur until and unless a quorum is  
18 present.  
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20   **2.3.   Requesting Attendance.** The Council may adjourn from time to time to  
21 request the attendance of absent members.  
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23   **2.4.   Attendance through telephone or video conference.** The attendance  
24 of a Councilmember by telephone, conference or other technological means is  
25 not encouraged, but may be allowed by the unanimous approval of  
26 Councilmembers physically in attendance at the location of the meeting. A  
27 quorum must always be physically present at the location where the meeting is  
28 taking place. In order to attend by telephone or video conference, a Village  
29 Councilmember must request the opportunity, to be present by telephone or  
30 video conference, prior to the scheduled meeting, preferably at a previous  
31 meeting of the Village Council. The request should indicate the reason for their  
32 physical absence and reasons they believe it is appropriate to participate by  
33 telephone and/or video conference. The requester(s) shall not participate in the  
34 deliberation and vote to allow the offsite participation. Prior to the requesting  
35 Councilmember participating in the meeting by telephone or video conference,  
36 the other members physically present at the meeting, shall have unanimously  
37 voted in favor of a motion of approval to allow the offsite Councilmember's  
38 participation in the meeting.  
39

40   **2.5.   Minutes of Proceedings.** Minutes of the meetings of the Council shall be  
41 kept by the Village Clerk, except for such meetings as are exempt by general  
42 law.  
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44   **2.6.   Right of Floor.** Any Councilmember desiring to speak shall first be  
45 recognized by the Presiding Officer, and shall confine his or her remarks to one  
46 subject under consideration or to be considered.  
47



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

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

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

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

**2.11. Meeting Curfew.** In accordance with section 2-34 of the Code of Ordinances all regular meetings of the Village Council must be adjourned no later than on or about 11:00 p.m. on the date when a meeting is convened, unless the Village Council votes to extend the time of the meeting. If there is any pending business on the floor at 11:00 p.m. and the meeting is not extended, such pending matters shall be the first business items considered at the next regularly scheduled Council Meeting.

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

### **3. TYPES OF MEETINGS:**

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

**3.2. Agenda Review.** The Village Council shall meet with Senior Staff, Village Manager and Village Attorney at 4:00 p.m. the day before the regularly scheduled Village Council meeting to review matters that will be coming before them at the upcoming meeting. The meetings shall be an opportunity for Council

1 to question Staff about the items on the agenda. No formal action or decision will  
2 be made by the Council at the Agenda Review session. The meeting will be  
3 open to the public, but public comment is not permitted unless a majority of the  
4 Councilmembers attending the meeting invites public comment on an issue. The  
5 Agenda Review meeting will be held at 4:00 p.m. at the Village Hall located at  
6 14000 Greenbriar Boulevard, Wellington, Florida, unless another location is  
7 chosen instead and noticed by the Village Clerk.  
8

9 **3.3. Special Meetings.** Special meetings maybe called by the Mayor, or in his  
10 or her absence, the Vice Mayor, or without regard to the presence or absence of  
11 the Mayor or Vice-Mayor, a special meeting may be called upon the request of  
12 three or more members of the Village Council and as otherwise provided by the  
13 Village Charter. The call for special meetings shall be filed with the Village Clerk,  
14 except that an announcement of a special meeting during any regular meeting  
15 shall be sufficient notice of such special meeting unless otherwise provided by  
16 general law or ordinance. Unless the meeting is of an emergent nature, there  
17 shall be a seventy two (72) hour notice to each Councilmember and the public, of  
18 any special meeting of the Council. At a meeting called as an emergency  
19 meeting, the Village Council's first order of business shall be to discuss the  
20 nature of the emergency and affirm by majority vote that emergent conditions  
21 exist, justifying the special meeting. Only after such motion and vote can the  
22 Council conduct any other business.  
23

24 **3.4. Workshop Meetings.** Meetings called as workshop meetings are  
25 intended to provide information to Councilmembers about items on the agenda.  
26 Discussion on the matters presented to Council, at a workshop, is expected to be  
27 less formal, as no dispositive motion may be made at a workshop. Public  
28 comment, concerning a matter on the workshop meeting agenda, shall only be  
29 allowed after receiving the consent of a majority of the Councilmembers  
30 attending the meeting. Workshop meetings will be scheduled for the third  
31 Tuesdays of each month as needed, beginning at 5:00 p.m. The workshop  
32 meetings shall be held at the Village Hall located at 14000 Greenbriar Boulevard,  
33 Wellington, Florida, unless another location is designated by the Village Clerk.  
34

#### 35 **4. PRESIDING OFFICER AND DUTIES:**

36  
37 **4.1 Presiding Officer.** The Mayor, if present, shall preside at all meetings of  
38 the Council. In the absence of the Mayor, the Vice Mayor shall preside. In the  
39 absence of both the Mayor and the Vice Mayor, the meeting shall be called to  
40 order by the Village Clerk for the purpose of electing a temporary presiding  
41 officer.  
42

43 **4.2 Call to Order.** The meetings of the Council shall be called to order by the  
44 Presiding Officer.  
45

46 **4.3 Preservation of Order.** The Presiding Officer shall preserve order and  
47 decorum, prevent attacks on personalities or the impugning of members or  
48 motives, and confine members in debate to the question under discussion.

**4.4 Points of Order.** The Presiding Officer shall determine 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?" A majority of the Council sitting and eligible to vote is required to reverse the ruling of the Presiding Officer.

**4.5 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 Florida Statutes.

## **5. ORDER OF BUSINESS:**

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

- Call to Order
- Pledge of Allegiance
- Invocation
- Approval of Agenda
- Consent Agenda
- Presentations and Proclamations
- Public Hearings
- Regular Agenda
- Attorney's Report
- Manager's Report and Updates
- Council Reports
- Closing Comments
- Public Forum
- Adjournment

**5.2. Agenda.** The Village Manager and Staff shall prepare Agenda Items that they believe should be on the Agendas for the upcoming meetings. The order of business of each regular meeting shall be as contained in the Agenda. The Agenda shall be a listing by topic of subjects to be considered by Council. Any and all requests to place an item on the agenda shall be presented to the Village Manager by 5:00 p.m. of the 13<sup>th</sup> day prior to the regular meeting. The Village Manager shall use his discretion in determining whether a matter should be placed on an agenda and on which upcoming agenda the matter should be presented to Council. In most cases an item will have to be presented to the Village Manager at least 22 days prior to its inclusion on an agenda. Generally, a preliminary agenda will be published by 12:00 noon on Tuesday, one week prior to the regular meeting. The Village Manager may delete items from the printed preliminary agenda with or without the consent of Council, but any items added to the agenda, after the publication of the preliminary agenda are subject to the approval of Council. When practical, backup material relating to regular meeting

agenda items are to be presented for the record, and shall be given to the Council by 7:00 p.m. on Thursday, prior to the regular meeting. The Village Staff shall attempt to provide Council with workshop meeting packets ready for distribution by 7:00 p.m. on Friday, prior to the meeting to which it pertains. If regular meetings are held other than on the scheduled meeting dates, a similar lead time schedule for agenda and packet materials shall be followed.

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

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

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

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

- Presentation of the item by a Councilmember or Staff
- Discussion and questions by the Council
- Motion and second by Council
- Comments from the Public
- Further Council Discussion
- Council action



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

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

1. Swearing in of witnesses.
2. Disclosure by Councilmembers of ex parte communications
3. Overview and staff recommendation presented by Village Staff.
4. Presentation by Applicant/Petitioner including cross-examination of Village Staff.
5. Presentation by representatives/persons who have given notice to the Village Clerk of their interest in the matter, by the close of business on the day prior to the meeting. Such presentation shall include cross examination of Village Staff and Petitioner's witnesses.
6. Comments from members of the public. Petitioner and interested representatives/persons may cross examine the members of the public immediately after their comments are made.
7. Final arguments by Petitioner and interested representatives/persons.
8. Final questions from Village Council and/or Village Attorney. Close of evidence.
9. Deliberations and disposition by Village Council. The Village Council may adjourn the proceedings to further deliberate, consider additional evidence, or request the Village Attorney prepare and

bring back for consideration a final order based on their deliberations. The Village Council may move approval and or denial, without any further delay.

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

## **6. ORDINANCES, RESOLUTIONS, AND MOTIONS:**

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

## **7. PUBLIC FORUM:**

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

**7.2. Addressing the Council.** Any person desiring to address the Council by oral communication on any subject not already on the Council Meeting agenda shall first secure the permission of the Presiding Officer. Preference will be given to those persons who have notified the Village Manager by 5:00 p.m. of the Monday two week prior to the regular meeting of their desire to speak and to have their name placed on the Agenda.

**7.3. Manner of Addressing the Council -- Time Limit.** Each person addressing the Council shall approach the microphone, shall give his or her name and address and the organization or group they represent if any, in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit their address to three (3) minutes. All remarks shall pertain to Village business and shall be addressed to the Council as a body, and not to any member thereof. No person, other than members of the Council or Mayor, and the persons having the floor, shall be permitted to enter into any discussion,

1 either directly or through the members of the Council. No questions shall be  
2 asked of the Councilmembers or staff, except through the Presiding Officer.

3 **7.4. Extended Presentation.** If any member of the public wishes to address  
4 the Council for more than three minutes, the item will need to appear on the  
5 agenda. To be placed on an agenda, the individual should contact the Village  
6 Manager. The individual may ask for up to fifteen (15) minutes to make a  
7 presentation. At the time of the request, the individual will need to present the  
8 Village Manager with a brief outline of the presentation. The outline shall include  
9 the requesting name and address, whether they are a resident of the Village, and  
10 whether they are representing another person, group, or entity, and if so, who  
11 that person group or entity is and the address of that person group or entity.  
12 Requests to be placed on an agenda must be received by the Village Manager  
13 5:00 p.m. of the Monday of the week prior to the meeting, at which the individual  
14 wishes to speak.

15 **7.5. Personal and Slanderous Remarks.** Any person making personally  
16 offensive, impertinent or slanderous remarks, or who shall become boisterous or  
17 use offensive language, while addressing the Council, may be requested to leave  
18 the meeting.

19 **7.6. Reading of Protests.** Interested persons, or their authorized  
20 representatives, may address the Council for the reading of protests, petitions, or  
21 communications relating to any matter over which the Council has control when  
22 the item is under consideration by the Council.

23 **7.7. Referral of Citizens' Complaints.** The Mayor or Councilmembers,  
24 individually, and the Village Council may, while in session, collectively, through  
25 motion, refer citizens complaints to staff or an appropriate Village Committee.

26 **7.8. Written Communications.** Interested parties, or their authorized  
27 representatives, may address the Council by written communication on any  
28 matter of business

29 **7.9. Challenges to Staff and Advisory Body Recommendations.** Anyone  
30 who is challenging a staff and advisory body recommendation, concerning an  
31 item not on the agenda, must submit a request in writing to be placed on the  
32 agenda at least fifteen (15) days before the upcoming regular meeting. The  
33 request must contain a written memorandum setting forth in detail the specific  
34 rulings or findings to which they object and stating any Florida Statutes, case law,  
35 or sections of the Land Development Code, Comprehensive Plan or ordinances  
36 of the Village of Wellington on which they are basing their objection, Council may  
37 not consider a challenge to administrative decisions requiring Planning, Zoning  
38 and Adjustment Board review or decisions of other Village Boards over which the  
39 Council lacks review jurisdiction.

40 **7.10. Meeting Decorum.** The Mayor may turn off the microphone at the  
41 podium at any time he/she feels these guidelines or rules of order are being

violated. Further, the Council may ban violators of meeting procedures from speaking at future meetings.

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

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

**8.2. 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.

**SECTION 4:** Should any section, paragraph, sentence, clause, or phrase of this Resolution conflict with any section, paragraph, clause or phrase of any prior Village Resolution, then in that event the provisions of this Resolution shall prevail to the extent of such conflict.

**SECTION 5:** Should any section, paragraph, sentence, clause, phrase or other part of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any portion or part thereof, other than the part so declared to be invalid.

**SECTION 6:** This Resolution shall be effective immediately upon adoption.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of January, 2007.

**ATTEST:**

**VILLAGE OF WELLINGTON**

BY:

Awilda Rodriguez  
Awilda Rodriguez, Village Clerk

BY:

Thomas M. Wenham  
Thomas M. Wenham, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY:

Jeffrey S. Kurtz  
Jeffrey S. Kurtz, Village Attorney

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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.  
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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.  
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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

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

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

### 3. TYPES OF MEETINGS:

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

**3.2 Agenda Review.** The Village Council shall meet with Senior Staff, Village Manager and Village Attorney at ~~3:00~~4:00 p.m. the day before the regularly scheduled Village Council meeting to review matters that will be coming before them at the upcoming meeting. The meetings shall be an opportunity for Council to questions staff about the item on the agenda. No formal action or decision will be made by the Council at the Agenda Review session. The meeting will be open to the public, but public comment is not permitted unless a majority of the Councilmembers attending the meeting invites public comment on an issue. The Agenda Review meeting will be held at ~~3~~4:00 p.m. at the Village City Hall located at ~~44000~~Greenbriar, 12300 Forest Hill Boulevard, Wellington, Florida, unless another location is chosen instead and noticed by the Village Clerk.

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

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

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

#### 4. PRESIDING OFFICER AND DUTIES:

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

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

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

**4.4 Points of Order.** The Presiding Officer shall determine 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?" A majority of the Council sitting and eligible to vote is required to reverse the ruling of the Presiding Officer.

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Manager's Report and Updates  
Council Reports  
~~Closing Comments~~  
~~Public Forum~~  
Adjournment

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

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

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

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

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

- Presentation of the item by a Councilmember or Staff
- Discussion and questions by the Council
- Motion and second by Council
- Comments from the Public
- Further Council Discussion
- Council action

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

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

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



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

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

## **6. ORDINANCES, RESOLUTIONS, AND MOTIONS:**

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

## **7. PUBLIC FORUM:**

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

**7.2 Addressing the Council.** Any person desiring to address the Council by oral communication on any subject not already on the Council Meeting agenda shall first 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)

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

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

## **8. SUSPENSION AND AMENDMENT OF THESE RULES:**

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

**8.2 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.

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

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

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

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

**ATTEST:**

**VILLAGE OF WELLINGTON**

BY: Awilda Rodriguez  
Awilda Rodriguez, Wellington Clerk

By: Darell Bowen  
Darell Bowen, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: Jeffrey S. Kurtz  
Jeffrey S. Kurtz, Esq., Attorney for Wellington