

## **RESOLUTION 30-2013**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 11-2012 RELATING TO COUNCIL PROCEDURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council recognized the need for established procedures to facilitate orderly and respectable regular and special Town Council meetings through adoption of various resolutions since 1964; and

**WHEREAS** the Town Council desires to expand on the procedures in Resolution 11-2012 to improve the handling of Town business; and

**WHEREAS**, the Town Council recognizes that this Resolution shall act as a guide and provide a framework for Town Council procedures; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:**

### **SECTION 1. Establishment.**

This Resolution hereby establishes the Town Council procedures for both regular and special Town Council meetings.

### **SECTION 2. Process.**

The Town Council, Town Administrator, Town Clerk, all Department Heads, and the public are hereby advised and directed to follow the terms, conditions and provisions of this Resolution as the basis and framework for Town Council procedures as follows:

### **SECTION 3. Meetings**

Regular meetings of the Malabar Town Council shall be scheduled for the first and third Monday of each month. All meetings shall be called to order at 7:30 PM. All meetings shall adjourn no later than 10:30 PM unless all members of the Town Council present, vote to extend the time for adjournment to a time certain. Any agenda item remaining at the time of adjournment shall be carried over to the next regularly scheduled meeting unless, prior to adjournment, the Town Council determines that an item should be placed on the agenda for a special meeting.

The Council may, at any regular meeting, cancel the next scheduled meeting by majority vote if the Charter requirement of at least one meeting a month is met. The Council Chairperson, upon determining that there are no agenda items requiring immediate Council attention may direct the Town Clerk to cancel the regularly scheduled meeting.

### **SECTION 4. Regular Meetings**

**A. Agenda Order.** The normal order of the agenda items is as follows and may be reorganized by the Council Chairperson for items directly related to paid staff, for convenience of speakers, or the public.

1. Call to Order
2. Prayer and Pledge
3. Roll Call – Chair announces those Members of Council excused and declares a quorum.
4. Additions, deletions and changes to the agenda
5. Consent Agenda – all items not requiring separate discussion may be placed here and approved with one motion and a rollcall vote if there are resolutions on the consent agenda.
6. Public Comments five minute limit (may not address subsequent Agenda Items)  
Speaker card required  
Speaker's Cards will be available by the Council Chamber door to be utilized by persons desiring to address Council on items listed on the agenda. A copy of the Speaker's Card is attached as Exhibit "B" Speaker cards are required for all agenda items except public hearings. Speaker cards shall be transmitted to the Chairperson of the Town Council for the purpose of determining the number of speakers for any agenda item and establishing a framework for public comments. Speaker cards must be transmitted to the Chairperson prior to the opening of the agenda item specified on the card in order to be valid. The Town Council may, by majority vote, allow late submittals of Speaker's Cards. No response is required from Council to any public input. Speaker cards will be recognized by agenda item number prior to Council taking up the agenda item. Exception: If a Member of the public wishes to be recognized after Council has taken up an agenda item, any Council Member may ask the Chair to recognize that person. If the Chair refuses to recognize the person then it shall be put to a vote of Council. Public comments shall be limited to five minutes maximum per person during a regular or special Town Council meeting. The Town Council may, by majority vote, extend the five minute limitation. This section applies except in the case of a required public hearing as per State law.
7. Attorney Report
8. Sheriff's Office Report
9. Public Hearings
10. Agenda Items directly related to residents present at the meeting  
(such as P&Z recommendations on subdivisions, development plans and land use requests, Park Board recommendations, resident grievances, etc.) Board Member representing their Board's recommendation or appearing at the request of the Mayor or Council Member is not required to submit a Speaker's card in order to address Council or respond to Council's questions.
11. Action Items - listing Urgent or Time-Sensitive first, followed by Old Business, ~~first~~ then New Business.
12. The Chair may excuse the Attorney at this point if there is no objection. ~~may be excused after completion of action items.~~
13. Presentations
14. Proclamations
15. Staff Reports

16. Discussion Items - listing Old Business first then New Business
17. Reports, Verbal, by Council , Mayor
18. Public Comment – Any Subject – speaker card required

## **B. Agenda Items**

1. The Chair sets/approves the agenda. The Mayor or any Member of the Town Council may place items on the agenda. Once an item has been placed on the agenda, in accordance with the provisions of this resolution, it may be removed only by the Mayor or Council Member who placed the item on the agenda.
2. Any Malabar resident may place one or more items on the agenda by submitting a completed request form attached as Exhibit “A” and related information to the Town Hall by the Wednesday noon deadline. Non-residents must contact the Mayor or any Council Member to request they submit the item for them. These items may be rescheduled or pulled from an agenda by a vote of Council.
3. The normal deadline for submitting agenda items along with all information relating to the items, to the Town Clerk's Office, is noon, ten (10) business days preceding the next regularly scheduled meeting. Staff will have all agenda material prepared and available to Council Members by noon on Wednesday prior to the meeting.
4. The Mayor or any Member of the Council may, during the meeting, immediately after the Prayer and Pledge, request that an item be added to the agenda or that an item be moved to a different location on the agenda for convenience of the public. If there is no objection from any Council Member, the Chairperson shall place the item at the appropriate place on the agenda. If any Council Member objects, a majority vote of the Council shall be required to place or move the item on the agenda.
5. No requests for placement on the agenda will be accepted from any candidate or person supporting any candidate for public office which promotes the campaign of any candidate.
6. The Consent Agenda may contain Resolutions, Council minutes, reports or other items that can be approved as a group without necessity for comment and discussion.
  - a. Notwithstanding the foregoing, any item placed on the Consent Agenda shall by request of any Council Member, be removed from the Consent Agenda and placed on the regular agenda immediately after new business, to be discussed and voted on separately by the Town Council .

**C. Absence Procedures**

1. If a Council Member or the Mayor intends to be absent from any Council meeting, he or she shall notify a staff Member of the absence and the reason why. Notification of a staff Member shall have the following priority: 1)Town Clerk, 2)Town Administrator, 3) Deputy Town Clerk. If it is after hours at the Town Hall, the Council Member or Mayor shall leave a message on the answering machine.
2. Communication shall be maintained among staff Members so that the Clerk who will be serving at the Council meeting is aware of the absence.
3. Prior to the start of the Council meeting the Clerk shall check the answering machine.
4. Prior to the start of the Council meeting, the Clerk shall notify the Chair of any absences and the reason why.
5. Prior to asking for roll call, the Chair shall announce any absence and the reason why. If there is no objection from any Council Member, the Clerk shall declare that Member excused when calling roll.
6. If an objection is raised by any Council Member, the issue shall be put to a vote prior to roll call and the Clerk, when calling roll, shall declare that Member excused or unexcused according to the vote.
7. If a Council Member or the Mayor is absent at roll call and has not made notification per (1) above, the Chair prior to asking for roll call shall announce the absence and declare it unexcused. If there is no objection from any Council Member, the Clerk shall declare that Member unexcused when calling roll.
8. If an objection is raised by any Council Member, the issue shall be put to a vote prior to roll call and the Clerk shall declare that Member excused or unexcused according to the vote.
9. If a Council Member or the Mayor arrives after roll call, the Chair shall announce that Member's presence and time of arrival. The Clerk shall then change that Member's status from absent to present in the roll and note it in the minutes.
10. If a Council Member or the Mayor leaves before the end of the meeting, the Chair shall announce that Member's departure and the time. The Clerk shall then note it in the minutes and in the votes.

**D. Meeting Process**

1. Meeting Process.
  - a. Chair calls meeting to order and directs P&P

- b. Chair announces any Council Member/Mayor that is not present and states if they are excused, then directs Clerk to do rollcall
- c. Chair reads each item on the Consent Agenda (CA) and asks for a supporter to make a motion and then asks for a second. If there is a resolution on CA the Chair asks Clerk to do a rollcall, otherwise it is a voice vote.
- d. Council Members (CM) do not have to rise to make a motion but it must be seconded before discussion. Motion should be phrased in such a way that the motion maker agrees/supports the motion. Motion should be phrased using positive words whenever possible. Motion maker may say "so moved" unless motion is not clear.
- e. These motions do not require a second: Question of Privilege, Point of Order, Parliamentary Inquiry and Point of Information. Motion maker cannot then speak against the motion but he can vote against it. The Chair cannot make a motion without first passing the gavel to the Vice-Chair who will keep the gavel until after the vote on the item. The Chair shall maintain an aura of neutrality and refrain from making motions unless he does pass the gavel.
- f. During discussion/debate the Motion maker gets to speak first. CM must be recognized by the Chair before speaking.
- g. CM shall address comments to Chair and not engage with fellow CM or members of the audience. The Chair may relax this rule if it will assist the Council in their deliberations. See Sec 4.A.6.
- h. Chair restates motion and calls for the vote.

**SECTION 5. Conflict and Repeal.**

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 6. Effective Date.** This Resolution shall take effect immediately upon its

adoption.

This Resolution was moved for adoption by Council Member Abare. This motion was seconded by Council Member McKnight and, upon being put to vote, the vote was as follows:

Council Member Jim Milucky	Aye
Council Member Wayne Abare	Aye
Council Member Steve Rivet	Aye
Council Member Jeffrey (Jeff) McKnight	Aye

Council Member Marisa Acquaviva

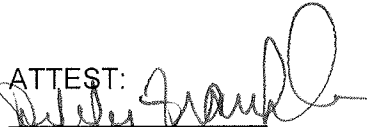
*Excused*

This Resolution was then declared to be duly passed and adopted this 16th day of September, 2013.

By: TOWN OF MALABAR

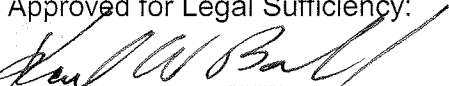
  
Carl A. Beatty, Mayor

ATTEST:

  
Debby K. Franklin  
Town Clerk/Treasurer

(seal)

Approved for Legal Sufficiency:

  
Karl Bohne, Jr., Town Attorney

**EXHIBIT "A"**

**AGENDA ITEM REQUEST FORM  
MALABAR TOWN COUNCIL**

Please submit the completed form to the Clerk's Office:

Town of Malabar  
2725 Malabar Road  
Malabar, Florida 32950

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_  
(Home) (Business)

Please state the item you wish to have placed on the Town Council Agenda: Agenda Request  
Forms are not permitted for campaign purposes.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please summarize pertinent information concerning your request Agenda item and attach  
applicable documents:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please state desired action by Town Council :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF MALABAR ~ [www.townofmalabar.org](http://www.townofmalabar.org)

Agenda # \_\_\_\_\_

**SPEAKER'S CARD (Please Print)**

Name: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Organization you are representing, if other than self: \_\_\_\_\_  
 Agenda Item: \_\_\_\_\_  
 Subject: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Purpose of the Card:**

- For Accurate Recording in the Minutes – proper spelling of Speaker's Name
- Provides Contact Information for follow-up by staff or elected official
- Efficient Meeting Decorum

**Speaking Rules:**

- Complete Speaker's Card prior to council Introduction of item. Use one card per Agenda Item
- Deliver completed card to Town Clerk
- Speaker will have 3 minutes to address the subject
- An additional 3 minutes may be granted if speaker is on behalf of an organization
- Speakers will be called upon by the Chair.