

**CITY COUNCIL**

**POLICIES**

**and**

**PROCEDURES**



**City of DeFuniak Springs,  
Florida**

City of DeFuniak Springs, Florida

**COUNCIL POLICIES AND PROCEDURES**

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# **CHAPTER 1**

## **POWERS AND DUTIES**

### **1.1 FORM OF GOVERNMENT**

The City of DeFuniak Springs divides its governmental power and functions between an executive and legislative branch. The City Council constitutes the legislative branch and is responsible for enacting all laws governing the City. The executive branch is comprised of the Mayor and the City Manager, who share executive authority of carrying out and faithfully executing the laws of the City. The responsibilities of office of the executive branch are further defined within this Charter and the Municipal Code. (DFS Charter s. 4)

### **1.2 CITY COUNCIL**

The City Council shall consist of five members and commencing with the election of 2009, all council seats shall be elected to a four (4) year term as provided herein; Commencing with the 2009 election, those individuals elected to seats 4 and 5 shall be elected to serve four (4) year terms; That commencing with the election of 2008, seats 1, 2, and 3, shall be elected to serve for a period of three (3) years and that commencing with the 2011 election, seats 1, 2, and 3 shall thereby be elected to serve four (4) year terms. (Ord. No. 431, § I, 11-25-74; Ord. No. 732, 3-12-2007) (DFS Charter s. 7.02)

### **1.3 GENERAL POWERS**

The municipal corporation now existing and known as the City of DeFuniak Springs located in Walton County, Florida, within the boundaries hereinafter described, shall continue to be a body politic and corporate, and shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except when expressly prohibited by law. (DFS Charter s. 1)

### **1.4 MAYOR**

Commencing with the 2009 election, the individual elected to serve as Mayor shall be elected to serve four (4) year terms. In addition to the powers conferred on the Mayor by this charter, the Mayor shall also have the rights, privileges and immunities of a member of the council. The Mayor shall be subject to the same prohibitions against interfering with or suggesting to the City Manager. The Mayor shall preside at meetings of the council and shall also have the power and perform the duties conferred and imposed by the charter and the ordinances of the City and sign all contracts the City enters into on behalf on the City. The Mayor shall be recognized as the head of the City government for all ceremonial purposes, by the courts for serving civil processes, and by the governor for purpose of military law. In time of public danger or emergency the Mayor shall, if so authorized and directed by vote of the

Council, take command of the police, maintain order, and enforce the law. (Laws of Fla., Ch. 67-1280, § 1; Ord. No. 732, 3-12-2007): (DFS Charter s. 7.01)

## **1.5 MAYOR PRO-TEM**

The city council shall elect one of its members mayor pro tempore at the first regular council meeting after the annual election for a term of one year unless sooner removed. This mayor pro tempore shall perform all of the duties and possess all of the powers of the mayor when:

- (1) The mayor is absent from the city to the extent that he is unable to perform his duties and responsibilities;
- (2) The mayor is disqualified from acting;
- (3) The mayor refused to act;
- (4) The mayor is absent from a council meeting.

The city council shall remove the mayor pro tempore from office for failure or inability to perform the duties and responsibilities of his office. Upon such removal the council shall elect a new mayor pro tempore who shall serve until the regular council meeting after the annual election. (City Code s. 2-107)

## **1.6 RULES AND ORDER**

Meetings of the city council shall be governed by the provisions of Robert's Rules of Order Newly Revised except as inconsistent with the provisions of law. (City Code s. 2.104)

## **1.7 ANNUAL BUDGETS**

The city council shall adopt the annual budget by resolution in accordance with procedures and trim calendar provided by the state department of revenue. The budget may be amended from time to time by the city council at the fund level. The city finance director will be responsible for preparation of the budget amendments. (City Code s. 2-108)

## **1.8 APPOINTMENT OF OFFICERS/COMMITTEE MEMBERS**

The city council appoints the city manager, city clerk, and city attorney who all work directly for it. Because the council is a permanent continuing body, the outgoing council's appointment of officers remains effective with the new council and need not be reaffirmed. Only if a change is intended is action necessary.

## **CHAPTER 2**

# **COUNCIL/STAFF RELATIONS AND CONDUCT**

### **2.1 INTENT**

This chapter addresses the relationship and conduct between councilmembers and city staff.

### **2.2 EXECUTION OF COUNCIL DIRECTION**

The council recognizes the primary functions of staff as executing council policy and actions taken by the council and in keeping the council informed.

### **2.3 PROHIBITIONS**

#### **A. Interference with Administration**

Neither the council nor its members shall either direct or interfere with city employees who are subject to the direction and supervision of the city manager, except through the city manager. Neither the council nor its members shall give orders to any such employee.

#### **B. Appointment and Removals**

No member of the council shall, in any manner, dictate the appointment or removal of any city employee whom the city manager or any of his/her subordinates are empowered to appoint. However, the council may express its view and fully and freely discuss, with the manager, anything pertaining to appointment and removal of such employee.

#### **C. Undue Influence**

Individual members of the council shall make no attempt to pressure or influence staff decisions, recommendations, workloads, schedules, and departmental priorities.

The city staff, through the city manager, is obligated to take guidance and direction from the council only as a whole. Staff is directed to reject any attempts by individual members of the council to unduly influence or otherwise pressure them into making, changing or otherwise suppressing staff decisions or recommendations, or changing departmental work schedules and priorities. Staff shall report such attempts to influence them to the city manager.

### **2.4 REQUEST FOR INFORMATION**

Individual members of the council may closely scrutinize, by questions and observations, all aspects of city government operations, solely for the purpose of obtaining information to assist the council in the formulation of sound policies to be considered. All recommendations for improvement in city government operation by individual councilmembers shall be made to and through the city manager.



## **2.5 RESPONSE TO COUNCIL REQUEST**

A. The city staff, through the city manager, will make every effort to respond in a timely and professional manner to all requests made by individual councilmembers for information or assistance, provided that, in the judgement of the city manager the request is not of a magnitude, either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the city council. In terms of making this judgement, the following guidelines should be considered:

1. The request should be specific and limited in scope so that staff can respond without altering other priorities and with only minimal delay to other assignments.
2. The request should only impose a "one time" work requirement, as opposed to an on-going work requirement.
3. The response to the request should not require a significant allocation of staff resources (generally defined as consisting of more than one staff person, or a single staff person working on the issue in excess of 1-2 hours).

## **2.6 COUNCILMEMBER REPRESENTATION TO OTHER AGENCIES**

An exception to the above guidelines will be staff work required in support of a councilmember designated by the city council to represent the city in an intergovernmental role or relative to a special assignment.

## **2.7 INFORMATION DISTRIBUTION**

In cases where a staff response to an individual councilmember request involves written material which may be of interest to other councilmembers, the city manager will provide copies of the material to all other councilmembers. In making this judgement, the city manager will consider whether the information is significant or new or otherwise not available to the council or of interest to the council.

## **CHAPTER 3**

### **COMPENSATION**

#### **3.1 GROUP INSURANCE BENEFITS**

The city council shall not be entitled to city-funded participation in group insurance benefits such as medical, dental, vision and life insurance plans available to city employees.

#### **3.2 SALARY**

A. The office of city council is considered a part-time position and is compensated on that basis.

B. The salary for the Mayor and City Council shall be set by the City Council during the annual budgeting process.

#### **3.4 TRAVEL**

A. The city council shall be subject to the travel policy established by the City Council ~~city's administrative code.~~

B. The city council will annually approve an amount for travel in the budget for the subject fiscal year.

C. Authorization for city council travel shall be reviewed and approved by the city manager.

## **CHAPTER 4**

### **MEETING FACILITIES and REGULATIONS**

#### **4.1 REGULATIONS FOR PUBLIC MEETINGS**

A. To ensure orderly, safe, and informative proceedings for all members of the public who attend public meetings in the city hall council chambers and any other building which the city council may utilize for a public meeting, the following directives are established:

1. Alcohol

Possession, consuming, serving, or imbibing or being under the influence of alcoholic beverages, either within or outside the meeting facility shall be prohibited.

2. Attire

Suitable attire shall be required to be worn at all public meetings held by the city council.

3. Cellular Phones and Pagers

All cellular phones and pagers carried into public meetings held by the city council shall have the sound in the "off" or "silent" mode. Exceptions are cellular phones and pagers for public safety personnel.

4. Council Dais

Councilmembers, city staff, advisory and quasi-judicial board members, and those authorized by the presiding officer or a majority of the members of the city council or board are allowed to sit at the council dais or staff tables.

5. Petitions and Printed Materials

Petitions, literature, or printed materials may be circulated outside of the meeting facility in a manner that is not disruptive. No literature or printed material may be displayed on the wall.

6. Seating

If seating in the meeting facility is available, attendees should be encouraged by the presiding officer to utilize available seating and not to stand and/or converse in rear areas or in aisle ways so as to avoid distracting from or disrupting the conducting of public business at public meetings.

#### 7. Signs

Any signs to be displayed at public meetings shall be of a size that they can be easily held and controlled by one person, and are not mounted on posts, poles or other devices or extensions that could constitute a health or safety hazard to other attendees in the event that they are dropped, turned or fall. During presentations, signs may be displayed on a tripod in an area established for such display as part of the presentation to council. No signs shall be mounted or adhered to any wall, window, door, pillar, support, structure, post or part of the meeting facility unless approved by the city council or city staff.

#### 8. Smoking

Smoking and vaping shall be prohibited inside the meeting facility.

### 4.2 USE OF CITY HALL COUNCIL CHAMBERS

A. The City Manager, or designee, is responsible for scheduling and maintaining a calendar on the use of the council chambers and all requests for reservations shall be cleared through that office.

B. The chambers shall be used only by the city or other governmental agencies or entities or by organizations or groups of which the city is co-sponsoring an event, function, etc.

C. Use of the chambers by the city council shall take precedence over any city boards or committees or any other governmental agencies or entities.

### 4.3 MULTIPLE MEETING LOCATIONS

A. In the event that an upcoming item on an agenda is anticipated to cause an overcrowded situation at the council chambers, the primary and a back-up location may be published on the agenda of that meeting.

B. Meetings shall not be held at a facility that unreasonably restricts public access to the facility.

C. In the event of remodeling, renovation, improvement, or other construction work or the size of the anticipated audience shall make it impossible or impractical to meet in the council chambers, the Mayor and City Manager may designate another meeting place in the city. Notice of such designation shall be posted at the entrance to the council chambers giving reasonable notice of the change in meeting locations.

## **CHAPTER 5**

### **TYPES OF MEETINGS**

#### **5.1 REGULAR MEETINGS**

A. Regular meetings shall be held at least twice each month; the second and fourth Monday of each month. Council may change the meeting days when deemed necessary. In the event that a regular meeting falls on a legal holiday, the council shall determine a new date for the meeting. City staff may make recommendations to the council as to the new date.

B. Meetings of council shall be held at city hall or other locations determined by the council.

C. Regular meetings shall be held at a time determined by council. All unfinished business at adjournment shall be carried to the beginning of the next regular council meeting, unless prior to adjournment, items are placed on a special meeting agenda.

D. **Agenda Packets.** A meeting agenda packet is prepared by the city manager, mayor and city clerk which, along with supporting documents and reports, is placed on the city website by ~~5:00 pm noon~~ on ~~Thursday~~ **Friday** prior to the Monday meeting. This allows for perusal by council of the items to be considered at the meeting and time to meet with the city manager in regards to any of the items.

#### **5.2 SPECIAL MEETINGS**

A. Special meetings may be held at the call of the mayor or any member of the council.

B. Whenever practicable, verbal and written notice must be given to each member of council and to the public no less than twenty-four (24) hours prior to each meeting.

C. The agenda shall state the specific purpose or purposes of the meeting. No additional items are allowed to be considered at this time.

#### **5.3 WORKSHOP MEETINGS**

A. The primary purpose of workshop meetings is to discuss or brainstorm, on an informal basis, issues of concern, or for the presentation and discussion of information.

B. Workshop meetings may be requested by the council as a body.

C. Workshop meetings will be held at a date and time determined by council. All unfinished business at adjournment shall be carried to another scheduled workshop.

D. Due to the meeting's informality, formal action by motions is not considered appropriate. The council may provide staff members with the direction in which it wishes to proceed with an issue, but should formalize the instruction at a regular meeting. Substantive decisions shall not be made at workshops.

E. Public interest and convenience shall be primary considerations when decisions are made as to time, location, and frequency of workshop meetings.

## **5.4 EXECUTIVE SESSIONS**

A. Executive sessions are meetings held by the city council in private and are not subject to the sunshine law due to the privileged material to be discussed. The following meetings are executive sessions:

### **1. Collective Bargaining**

- a. Collective bargaining meetings are requested by the city manager. It is a meeting held, in private, with the city manager or his/her designee, the city's negotiator, and the city council, relative to collective bargaining [\(FS 447.605\)](#).
- b. The sole purpose of this meeting is merely to instruct and consult with the negotiator before and during the collective bargaining sessions.
- c. Meetings can only be held when there are actual and impending collective bargaining negotiations.

### **2. Attorney-Client Sessions**

- a. The city attorney will advise the city council at a public meeting when he/she desires advice concerning pending litigation [\(FS 286.011\(8\)\)](#).
- b. The city council and the city manager are permitted to meet in private with the city attorney to discuss pending litigation to which the city is presently a party before a court.
- c. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.
- d. The only individuals authorized to attend the session are the: 1) city council; 2) city attorney; 3) city manager; and 4) court reporter [\(AGO 95-06\)](#). Outside counsel, if retained, is also authorized to attend the session [\(AGO 98-06\)](#).
- e. The temporary adjournment and reconvening of the session in order for members who are attending the meeting to leave the room and consult with others outside the meeting is prohibited [\(AGO 95-06\)](#).

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Chapter 5 – Types of Meetings

B. No member of the council, employee of the city, or anyone else present shall disclose to any person the content or substance of any discussion which takes place in the executive sessions. The matter may be discussed only after it has been processed properly and made public by council action at a public meeting.

## CHAPTER 6

### BOARDS AND COMMITTEES

#### 6.1 ESTABLISHMENT

A. The city council may establish boards and committees (advisory or quasi judicial bodies) to assist in the conduct of the operation of the city government in such duties as the council may specify not inconsistent with the city charter or code. The guiding principles for establishing boards/committees are:

1. To study, review or research specific issues or areas of concern and act in an advisory capacity to council;
2. In accordance with specific statutory authorization which may be advisory or quasi-judicial in nature.

B. The resolution or ordinance creating a board/committee shall establish its purpose, membership composition, and duties and responsibilities. It may also include the members' length of terms, members' qualifications, and meeting procedures. The members are responsible for the functions of the board/committee, and the chairperson is responsible for the board/committee's compliance with the provisions of the enacting legislation.

#### 6.2 APPOINTMENT PROCEDURES

A. The establishment of these procedures shall ensure that well-qualified, responsible, and willing citizens are given the opportunity to serve the city and participate in the governing of their community.

1. Announcements of Vacancies or Open Positions

Vacancies and terms expiring on city appointed boards shall be announced by the presiding officer at not less than two (2) regular council meetings and shall continue, if necessary, at subsequent regular council meetings until the appropriate number of applications are received. A solicitation period of thirty (30) days, or as close thereto, shall be given for the receipt of applications. Appointments shall be made at the regular council meeting following the two announcements, or if no applications are received within the time frame designated, when the appropriate number of applications are received.

2. **Appointments (The goal is to get a pool of candidates willing to serve from which Board Members may choose. Another issue is to have contact information for committee members as occasionally staff has no means of contacting new appointees.**



- a. Councilmembers shall review the applications received from the volunteer citizenry and may appoint the individual(s) making application.
- b. ~~When the number of applications received exceeds the number of vacant positions, each councilmember shall rank the individuals from 1–5, with No. 1 representing the councilmember’s first choice. Councilmembers will receive rating sheets in their agenda packets. The sheets are to be submitted to the clerk on duty on the night of the meeting at which the appointments are to be made. Those individuals receiving the lowest totals shall fill the appropriate number of vacancies available. The presiding officer will announce the selections in accordance with the rating sheet and council shall make a motion to appoint the individuals to the board.~~

### **6.3 CHARTER REVIEW COMMISSION (may defer to potential Charter changes)**

After receipt of the results of the federal decennial census, the council shall appoint a commission of not less than seven (7) electors to the city, to be known as a charter review commission. The council may appoint a charter review commission at any other time when deemed appropriate. This commission shall review and recommend to the council any additions or deletions to the charter as in its judgement it deems advisable.

### **6.4 MEMBERSHIP SERVICE**

Individuals may serve on no more than two (2) boards at the same time. Individuals serving on two (2) boards may apply to serve on another board, but must resign from one of the two boards on which they maintain membership, if appointed. If a resignation is not received immediately, the last appointment shall be null and void. An exception to the aforementioned is service on an ad hoc committee in existence for less than one (1) year.

### **6.5 REMOVAL OF MEMBERS**

The council may only remove board or committee members.

### **6.6 BOARD LIAISONS**

#### **A. Staff Liaison**

- 1. The city manager shall provide city staff support and assistance to boards and committees, as appropriate. Boards and committees do not have supervisory authority over city staff. While they may work closely with boards, staff members remain responsible to their supervisor and ultimately to the city manager.

2. Staff support may include the preparation of an agenda and agenda reports providing a background of the issue, a list of alternatives, recommendations, and appropriate backup material, if necessary.
3. The assigned staff person may also serve as or designate a secretary to the board.

## 6.7 REPORTS TO COUNCIL

### A. Oral Reports

Boards and committees may present oral reports to the city council. The committee chair **is encouraged (shall we make it mandatory)** to present an oral report to the city council at least **once (twice to increase accountability) annually**.

### B. Written Reports

Boards and committees shall send copies of their agendas and minutes to the city clerk for posting on the city hall bulletin board and for distribution to the city council through its routing box.

1. The board secretary or staff liaison shall also send copies of the agendas and minutes to the city clerk.

C. Recommendations by boards and committees upon which they desire council consideration or action **may be** presented to the council in the following ways:

1. During the board and committee reports to council at a regular council meeting, at which the matter will be scheduled as an agenda item for the next or appropriate council meeting; or
2. Submission to the city manager for placement on a council agenda.

## 6.8 DISSOLUTION OR ABOLISHMENT

Any board or committee accomplishing the purpose for which it was created shall be abolished or dissolved in the same manner that it was created.

### **Suggestion: 6.9 Meetings**

#### **A. Conduct meetings in a similar fashion as council meetings.**

- 1. Shall elect a chair (1-year term) to be the presiding officer.**
- 2. Apply rules in section 7-10 of Chapter 7 excluding Chapter 7 and any rules specific to the council.**

**CHAPTER 7**  
**Section 1**

**MEETING RULES AND ORDER**

**PRESIDING OFFICER**

**7.1.1 PRESIDING OFFICER**

A. The presiding officer at the council meeting shall be the mayor or in his/her absence, the mayor pro-tem, and in his/her absence, the councilmember in attendance at the meeting with the longest tenure on council.

B. If the meeting is being chaired by a councilmember other than the highest ranking presiding officer of the council, upon the arrival of a higher ranking presiding officer, the officer shall immediately relinquish the chair upon the conclusion of the business at hand.

**7.1.2 DESIGNATED DUTIES**

The presiding officer shall preserve order and decorum at all council meetings. He/she shall maintain control of the meeting and keep it focused. The presiding officer shall restate every motion and place it before the council, announce the result, announce the decisions of the council on all subjects, and decide all questions of order.

**7.1.3 CALL TO ORDER**

The presiding officer shall take the chair precisely at the hour appointed for the meeting and shall call the council to order.

**7.1.4 RECESS DURING MEETINGS**

The presiding officer has the power to call for a recess. Recesses requested by any other councilmembers require a majority vote of council.

**7.1.5 SEATING ARRANGEMENTS**

A. The Mayor shall be seated in the center. The mayor pro-tem shall always be seated immediately ~~next left of to~~ the mayor.

B. The remaining members of council shall be seated, to the right of the Mayor beginning with the lowest seat number.

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C. The city council, may by a majority vote, establish other seating arrangements for councilmembers, except that the mayor pro-tem shall be seated next to ~~by~~ the mayor.

**CHAPTER 7**  
**Section 2**

**MEETING RULES AND ORDER**  
**DECORUM**

**7.2.1 ORDER AND DECORUM**

The city council, members of staff and visitors shall work to preserve appropriate order and decorum during all meetings.

**7.2.2 COURTESY**

All members of the council shall accord the utmost courtesy to each other, to city employees, and to public members appearing before the council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Councilmembers shall confine their remarks to the issues before the council.

**7.2.3 ADDRESSING CITY STAFF (Not including staff on agenda)**

Every councilmember desiring to question the city staff shall address the question to the city manager. The city manager shall be entitled either to answer the inquiries him/herself, designate some member of the city staff for that purpose, or request that the question be discussed at a later date.

**7.2.4 CITY STAFF ADDRESSING CITY COUNCIL**

A. Members of the city staff and employees of the city shall observe the same rules of procedures and decorum applicable to members of the council. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned, the city manager also shall be responsible for the orderly conduct and decorum of all city employees under his/her direction and control. The city manager shall take such disciplinary action as may be necessary to ensure that such decorum is preserved at all times by city employees at council meetings.

1. Any staff member requesting to address the council shall be recognized through the city manager, who in turn shall be recognized by the presiding officer, and shall approach the lectern, if requested, stating his/her name for the record, limiting his/her remarks to the matter under discussion.

2. All remarks and questions shall be addressed to the council as a whole and not to any individual member thereof.
3. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

### **7.2.5 INTERRUPTION OF MEETING**

Persons demonstrating disruptive behavior at meetings or violating established rules of order will be called to order by the presiding officer. If such conduct continues, the presiding officer may call a recess, request the removal of such person(s) from the council chambers upon a finding of "disorder", adjourn the meeting if determined to be the appropriate action, or take such other appropriate action as permitted by law.

### **7.2.6 DEFINING DISORDER AND DISRUPTION**

A. A speaker who is disorderly at a meeting may be removed upon a finding by the presiding officer that such disorder causes a "disruption". Disorder at public meetings usually takes one of three forms:

1. Refusal to confine the speech to the subject matter being addressed;
2. Refusal to conform to time limits on speaking:
  - a. Courts have held that a valid removal order for time limit or subject limit violations should include advising the speaker of available, alternative methods of presenting his/her views, such as:
    - 1) leaving a written transcript of the speech for the record;
    - 2) mailing the speech to each member of the council; and/or
    - 3) appearing at future meetings to discuss the subject;
3. The speaker's demeanor and conduct during the meeting.

B. Disruption includes any conduct that significantly violates generally or specifically established rules of order and truly disrupts the meeting. Examples are:

1. Violent or tumultuous conduct threatening the safety of another;
2. Conduct creating danger to another's property;
3. Provoking or engaging in a fight;
4. Use of words that may physically threaten ~~or outrage others~~;

5. Not speaking on the subject matter being addressed and refusing to do so when requested by the presiding officer;
6. Using obscene, profane, or vulgar language.

C. A speaker may not be removed merely because the content of the speech is not politically pleasing or acceptable.

### **7.2.7 ENFORCEMENT OF ORDER**

Any councilmember may request the presiding officer to enforce the rules of decorum.

### **7.2.8 SERGEANT-AT-ARMS**

Members of the police department shall be sergeants-at-arms at council meetings and shall attend all regular, special and workshop meetings, or as otherwise directed by the City Manager. The sergeants-at-arms shall be stationed at different locations within the Council Chambers and shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting.

### **7.2.9 REMOVAL FROM MEETING**

Upon the instructions of the presiding officer, it shall be the duty of the sergeant-at-arms to escort and/or remove any person from the room who disrupts the meeting. The sergeant-at-arms should attempt to calm the person and explain the law on trespass and Section 871.01, Florida Statutes, Disturbing Schools and Religious and Other Assemblies. If the individual refuses or resists removal, he/she may be placed under arrest.

### **7.2.10 RE-ENTRY TO MEETING**

The length of time a removed offender must remain outside a meeting, or whether he/she may re-enter during the same meeting shall be decided by the chair.

## **CHAPTER 7 Section 3**

### **MEETING RULES AND ORDER**

#### **ORDER OF BUSINESS**

##### **7.3.1 ORDER OF BUSINESS**

A. The business of the city council shall be taken up for consideration and disposition in substantially the following order:

**1. Call to Order**

The presiding officer calls the meeting to order at the designated time.

**2. Invocation and Pledge of Allegiance to the Flag**

**3. Roll Call** (See Chapter 7, Section 5)

**4. Announcements/Proclamations/Recognitions**

Open positions on boards/committees are announced and applications solicited. Organizations, individuals and groups are recognized through proclamations or certificates.

**5. Presentations**

Presentations are scheduled by city staff, individuals or businesses to inform council of issues, projects, etc. shall not exceed **5 minutes**. **No more than two (2) presentations shall be scheduled for any given council meeting.**

Formal action may be taken by the city council on presentations ~~scheduled by city staff.~~

**6. Committee and Council Reports**

Boards in attendance make presentations to council. Councilmembers, representing the city on other agencies' boards, update council on issues, etc.

Councilmembers may present any business that he/she feels should be brought to council's attention.

For items which a councilmember would like council to act upon, a request must be made for the item to be scheduled for a subsequent meeting for formal



consideration and action. The council may, by a majority vote of council to do so, act upon an item due to extenuating circumstances or emergency situation.

7. **Consent Agenda, including adoption of Minutes** (See Chapter 7, Section 7)
8. **Agenda Revisions**
9. **Regular Agenda**
10. **Citizen Comments**
11. **Administrative and Legal Reports**
12. **Council Reports**
13. **Mayor Comments**
14. **Adjournment**

B. The city council may modify the order of business, and add or delete agenda headings, upon a majority vote of council.

**CHAPTER 7**  
**Section 4**

**MEETING RULES AND ORDER<sup>1</sup>**

**AGENDAS**

**7.4.1 PREPARATION**

The city manager, Mayor and city clerk shall prepare agendas for all formal and informal meetings.

**7.4.2 SUBMISSION OF ITEMS**

All agenda titles must be given to the city clerk by 12:00 pm **Wednesday** prior to the meeting. All reports, communications, ordinances, resolutions, contract documents or other matters to be considered at a Council meeting must be delivered to the city clerk by 12:00 pm **Thursday**. The city clerk shall arrange an agenda list, with all attachments, that will be submitted to the council, by 5:00 pm Thursday, the week before the meeting.

**7.4.3 PLACING AN ITEM ON THE AGENDA (COUNCILMEMBER)**

A. Any councilmember may request that a proposed **item ordinance** be placed on a future agenda during a regular Council meeting. The **item ordinance** will be scheduled on the future agenda as requested, and the councilmember's name shall be placed at the end of the item.

B. If the proposed ordinance is not placed on a regular Council meeting within time frame as determined by Council, the councilmember shall present the request to Council as outlined in 7.4.3(A) above.

**7.4.4 PLACING AN ITEM ON THE AGENDA (THE PUBLIC)**

A. A member of the public may request an item be placed on a future agenda:

1. **During public comments;**
2. By contacting a councilmember who then shall follow the procedure outlined in 7.4.3 above;
3. By contacting the City Manager and providing proper documentation for the agenda packet.

#### **7.4.5 MODIFICATION OF AGENDA**

A. The city council, by a majority vote or general consent of its members, may modify the agenda at a meeting by:

1. Adding an additional item per the request of a councilmember or the city manager;
  - a. In such event, an individual who wishes to address the city council with respect to the new agenda item shall be afforded a reasonable opportunity to do so in accordance with the procedures for public comments on agenda items.
2. Proposing the rearranging of agenda items.
3. Removing an agenda item per the request of a councilmember or the city manager.

#### **7.4.6 DISTRIBUTION**

The agenda shall be provided to the news media and posted on the city hall bulletin board. The agenda will also be placed on the [Internet](#). A reasonable number of extra copies of the agenda will be available for the public.

**CHAPTER 7**  
**Section 5**

**MEETING RULES AND ORDER**

**ROLL CALL**

**7.5.1 ROLL CALL**

As the first order of business, the clerk on duty shall take the attendance roll of the councilmembers.

**7.5.2 QUORUM**

A. A majority of all members serving on the city council shall constitute a quorum at any meeting of the council.

B. In the absence of a quorum, two or more members may adjourn any regular, special, or workshop meeting to a later date.

**7.5.3 TARDINESS**

If a councilmember arrives after a meeting has convened, the tardiness will be reflected in the minutes under Roll Call, next to the councilmember's name. The arrival of the councilmember will be indicated in the appropriate section of the minutes. If a vote is taken prior to the councilmember's arrival, the member's name will not appear in the vote in the minutes.

## **CHAPTER 7 Section 6**

### **MEETING RULES AND ORDER**

#### **MINUTES**

##### **7.6.1 PURPOSE**

Florida Statutes, Chapter 286, requires that minutes of meetings be taken. Although the statute does not detail what minutes should include, the proper content of minutes is suggested by their purpose. The purpose of minutes is to provide an official record or proof of council actions. Therefore, at a minimum, the minutes should include two sorts of material. First, the actions taken by council should be stated specifically enough to be identifiable and provable. Second, proof of any conditions necessary to action, i.e, a quorum.

##### **7.6.2 ADOPTION**

The minutes of previous meeting(s) for adoption shall be listed on the **consent** agenda. Such minutes may be approved without reading. Copies of the minutes shall have been distributed to councilmembers **prior to the meeting in time for corrections and revisions to be returned to the City Clerk by 12 noon the Wednesday before the meeting.** A motion is required to adopt the minutes.

##### **7.6.3 REVISIONS**

A. Revisions to the minutes may be made by councilmembers at the meeting that the minutes are considered for adoption.

B. Once adopted, the minutes may be revised in only two ways:

Council may revise the minutes, if found to be incorrect, upon the majority vote of council;

A person may bring a legal action alleging that the minutes are incorrect and seek a court order to correct them.

##### **7.6.5 VERBATIM TRANSCRIPTS**

A. In accordance with Florida Statutes, Chapter 286.0105, individuals deciding to appeal any decision made by the city council are responsible for ensuring that a verbatim record of the proceedings is made.

B. The office of the city clerk is not required to prepare verbatim transcripts or parts of any minutes of city council meetings unless the city council, by a majority vote, directs verbatim transcripts for the audible parts of any minutes it deems necessary and proper for the conduct of the internal affairs of the city.

**CHAPTER 7**  
**Section 7**

**MEETING RULES AND ORDER**

**CONSENT AGENDA**

**7.7.1 PURPOSE**

The use of the consent agenda is a tool for shortening the time spent on unnecessary discussion and the number of motions made at a council meeting. The consent agenda items are considered as one item of business and is an agenda heading. It contains routine items which are not considered controversial in nature and which do not need further discussion. The items on the consent agenda will usually be ones which the city council are familiar with or self-explanatory enough to the point that no discussion is needed. The consent agenda, therefore, is a list of items which can be acted upon officially by the city council, without discussion, by means of a single motion and vote. A motion is made and seconded that the consent agenda be approved as submitted.

It is imperative that persons placing items on the consent agenda thoroughly complete the agenda cover page and provide a clear, concise and yet succinct rationale for the item, sufficient to minimize confusion and questions.

**7.7.2 REMOVAL OF AGENDA ITEMS FROM CONSENT**

A. Items may be removed from consent agenda and considered during the regular agenda per a councilmember's request. If an item needs discussing, it is removed from the consent agenda at that time by the councilmember requesting same and discussed and acted upon separately in its normal sequence on the regular agenda.

B. The council may remove an item upon the request of a member of the public if there is a majority consensus of council to do so. If approved, the item will be considered in its normal sequence on the agenda.

**7.7.3 MINOR QUESTIONS**

A councilmember may ask questions on any item without it being pulled from the consent agenda when clarification is sought that will not involve extended discussion. The question will be addressed prior to the motion for adopting the consent agenda. Councilmembers are encouraged to seek clarification prior to the meeting, if at all possible.

#### **7.7.4 PUBLIC HEARINGS EXCLUDED**

Items for "Public Hearings" are not considered under the consent agenda as they are open to public comment and discussion.

#### **7.7.5 DETERMINATION OF CONSENT ITEMS**

The City Manager, Mayor and the City Clerk shall determine the items to be placed on the consent agenda.

#### **7.7.7 IDENTIFICATION OF CONSENT ITEMS IN MINUTES**

In the minutes, the items considered under the consent agenda will be recorded only once and in full under the consent agenda heading.

**CHAPTER 7**  
**Section 8**

**MEETING RULES AND ORDER**

**PUBLIC COMMENTS**

**7.8.1 PURPOSE**

These procedures are established to provide an orderly method for the city council to receive comments from the public on specific agenda items and general matters at public meetings. Public presentations to the city council shall be in accordance with the following rules and guidelines, which shall be enforced by the presiding officer:

**7.8.2 PUBLIC COMMENTS**

A. Public Comments on General Items Not Listed on the Agenda

1. Individuals who wish to address items not specifically listed on the agenda will be given the opportunity to address the city council under the agenda heading of "Public Comments";
2. The speaker shall be limited to three (3) minutes. Time may not be donated to another speaker;
3. The city council and city staff may respond immediately to the comments.

B. Public Comment on Regular Agenda Items

1. Individuals present to address specific agenda items will address the city council, using the guidelines established for same, at the time the item is considered by the city council;
2. The speaker shall be limited to three (3) minutes. Time may not be donated to another speaker;
3. The city council may recall an individual to provide additional information or to answer questions.

C. Addressing the City Council

1. Individuals shall come to the lectern and clearly state their name and address for the record;
2. All comments shall be addressed to the council as a body and not to any individual member thereof;



3. All questions directed to the city council shall be addressed through the presiding officer;
4. Groups are encouraged to select a representative to conserve time and avoid repetition. No person will be denied the privilege of speaking as long as he/she meets the above requirements;
5. The presiding officer, by virtue of the office, may implement other rules of procedures to assure fair hearing to all who are present as speakers and members of the audience.

### **7.8.3 ADDRESSING PUBLIC COMMENTS**

The city council may address the comments from the public as stated above. The council may recall an individual to the lectern to provide additional information or to answer questions.

### **7.8.4 ACTION ON ITEMS**

The council shall not take **formal action** upon issues or matters presented by the citizenry under public comments at the same meeting. If formal action is required, the item will be scheduled for the next regular council meeting for consideration. Items not requiring council action shall be directed to the city manager for consideration and further action. Council may, by a majority vote, act on items that are declared by council to constitute an emergency.

### **7.8.5 WORKSHOPS AND SPECIAL MEETINGS**

A. Public Comments at workshop meetings shall be heard at the beginning of the meeting under the heading "PUBLIC COMMENTS".

B. Public comments shall be entertained as follows:

1. Public comments shall address only those items specifically listed on the agenda;
2. Individuals wishing to address council will raise their hands at the appropriate time and the presiding officer will call upon the individuals to approach the lectern;
3. The speaker shall be limited to three (3) minutes. Time may not be donated to another speaker;
4. The city council may recall an individual to provide additional information or to answer questions.

### **7.8.6 VISUAL PRESENTATIONS BY THE PUBLIC**

A. Members of the public wishing to use electronic media when addressing city council must provide the electronic file to staff for screening no later than **11:00 A.M.** on the day of the meeting. Screening ensures that the material is in a format capable of presentation over the audiovisual system and assures that the material is legally appropriate for broadcast. **(Note for the Public: Please coordinate presentation materials through the City Clerk. It is recommended that if the presenter intends for audio presentations to be broadcast during the meeting, files must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.)**

1. Visual materials include any visual or textual items that are to be displayed through the audiovisual system irrespective of their specific format or media. This includes, without limitation, photographs, audio and video presentations, charts, computer presentations, computer screen images, posters and flyers, **whether in physical or electronic format.**
2. Visual presentations during public comments are limited to times outlined above in this Section.

B. Visual materials do not include items held or worn by a speaker at the podium or worn by a member of the audience, even though such items may be televised through the cameras that view the audience and the dais.

**CHAPTER 7**  
**Section 9**

**MEETING RULES AND ORDER**

**MOTIONS**

**7.9.1 PRESIDING OFFICER; RIGHTS AND PRIVILEGES**

The presiding officer may discuss matters being considered by council.

**7.9.2 RECOGNITION BY PRESIDING OFFICER**

Councilmembers desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine ~~themselves—their comments~~ to the subject matter under discussion.

**7.9.3 INTRODUCTION OF MOTION**

A. Business to be acted upon is brought before council only through a ~~by~~ motion only. A motion may also follow the presentation of a report or communication.

B. There can be only one main motion on the floor at a time; ~~it a motion~~ requires a second to move forward. A main motion is debatable and all discussion must be germane to the motion.

C. Main motions shall be stated clearly and concisely. A long or complicated motion must be submitted in writing or clearly restated for clarity.

D. To make a motion, a councilmember must be recognized by the presiding officer. The maker will have the right to speak first in the discussion.

**7.9.4 SECOND TO A MOTION**

A. The purpose of a second to a motion is to place the motion before the council for discussion and action. A second merely implies that the seconder agrees that the motion should come before the meeting and not that he/she necessarily favors the motion.

B. The requirement of a second is for the presiding officer's guidance as to whether the motion should be placed before the council for consideration. The purpose of a second is to prevent time from being consumed by the council having to consider a motion that only one person desires to see introduced.

C. A motion that fails to obtain a second dies.

D. A seconder cannot prohibit the maker from withdrawing a motion by refusing to withdraw the second.

### **7.9.5 STATING THE MOTION**

A. Neither the making nor the seconding of a motion places it before the city council; only the presiding officer can place the motion before council for discussion. The presiding officer may change the wording in order to make it easier to understand provided the meaning is not changed. When the presiding officer has placed the motion before council, the motion is pending and open to discussion.

B. All discussion must deal only and specifically with the subject of the motion. When the remarks of a councilmember begin to stray from the topic at hand, it is the duty of the presiding officer to interrupt the speaker and insist that discussion be to the point. When discussion has been exhausted, the presiding officer puts the issue to a vote.

C. After the roll call vote, the presiding officer announces whether the motion carries or fails.

### **7.9.6 DISCUSSION PRIOR TO A MOTION**

There shall be no discussion on any issue prior to the presiding officer placing a motion before council for consideration. **note**

### **7.9.7 PRIVILEGE OF BEGINNING AND CLOSING DISCUSSION**

The councilmember making a motion shall have the privilege of speaking first and last, if so desired, to the motion under discussion.

### **7.9.8 LIMITATION ON DISCUSSION**

No councilmember shall speak more than once on a subject or a motion until every other councilmember has had the opportunity to speak. **note**

### **7.9.9 INTERRUPTIONS**

A councilmember, once recognized by the presiding officer, shall not be interrupted when speaking unless the presiding officer or another councilmember calls a point of order, or unless the speaker chooses to yield to questions for another member. If councilmembers,

while speaking, are called to order, they shall cease speaking until the issue regarding order is **determined**, and if in order, they shall be permitted to proceed.

### **7.9.10 POINT OF ORDER**

A. When a councilmember questions a procedure or notices a violation of the rules that she/he considers will do harm if allowed to pass, the member can make a point of order without waiting for recognition from the presiding officer and may interrupt another member speaking. This action calls the attention of the presiding officer to the procedure being questioned or the violation of a rule when the presiding officer fails to notice it or neglects to call it.

B. A point of order must be raised when the breach occurs. After any discussion or business has intervened, it is too late. Points of order should not be raised on minor irregularities of **a purely technical character**.

C. The point of order interrupts business. The presiding officer either rules that the point of order is well taken and orders the mistake, omission, or violation to be corrected, or rules that the point of order is not well taken and resumes business at the point where it was interrupted.

### **7.9.11 APPEAL ON RULING OF POINT OF ORDER**

A. Councilmembers have no right to criticize a ruling of the presiding officer on a point of order unless they appeal the decision. An appeal is by motion, which allows two members who disagree with a ruling to submit it to the entire council for a decision. An appeal requires a motion and its purpose is to reverse the ruling of the presiding officer. This motion requires a second and is immediately open for discussion. The appeal must be made immediately after the ruling has occurred.

B. Upon an appeal, the presiding officer must state the reason for the decision. Councilmembers may speak only once. When councilmembers are through with discussion, the presiding officer may speak a second time.

C. A majority of the council may reverse or modify the presiding officer's decision. A motion to appeal is lost or fails with a tie vote and sustains the decision of the presiding officer.

### **D. 7.9.12 WITHDRAWAL OF MOTION**

A. A councilmember may withdraw his/her motion at any time before it is put to a vote. When a motion is withdrawn, it is no longer under consideration. The second need not be withdrawn as the withdrawal of the motion makes the second moot.

B. A seconder cannot prohibit the maker from withdrawing the motion by refusing to withdraw the second.

### **7.9.13 MOTION TO RECONSIDER**

The reconsideration of issues previously-acted upon is discouraged. If a councilmember desires to have an issue reconsidered that has been acted upon at a meeting within the past year, the councilmember must first approach council with a request to reconsider the item. A majority vote of the city council is required to schedule the item for a subsequent meeting for reconsideration.

### **7.9.15 SECONDARY MOTIONS**

A. When any main motion is upon the floor and the subject matter is under discussion, no motion shall be received except the following, which must also have a second, and such motions shall have precedence in the following order, to-wit:

1. Discussion can take place on the motion:
  - a. To amend the main motion
  - b. To appeal the ruling on a point of order.
  
2. Discussion cannot take place on the motion:
  - a. To table, postpone, continue, defer, extend, delay
  - b. To call the question.

B. A secondary motion is a procedural motion that is considered before a vote on a main motion. When a secondary motion is made, it becomes the immediately-pending motion, while the main motion remains pending.

### **7.9.16 AMENDMENT TO MOTION**

A. When a main motion is made, it can be amended. Councilmembers can make as many amendments as they like until the main motion accurately reflects the will of the majority. Only one amendment at a time to the main motion shall be entertained. There shall be no amendments to amendments to the main motion.

B. To present an amendment to a motion, a councilmember must first be recognized by the presiding officer. An amendment must be moved and seconded. Amendments must be specifically worded. The presiding officer shall restate the motion to amend and also read how the main motion will change if the amendment is passed. Discussion can only take place on

the amendment. Once discussion has been exhausted, the presiding officer shall call for a vote on the amendment.

C. If an amendment is approved, prior to the vote being taken on the main motion, the councilmember who seconded the main motion has the right to withdraw the second if he/she does not agree with the main motion as amended. If the second is withdrawn, the presiding officer shall ask for another second to the motion. If the maker withdraws the main motion, the main motion is moot.

### **7.9.17 RECESS DURING MEETINGS**

A. A recess is a short intermission within a meeting which does not destroy its continuity as a single gathering, and after which proceedings are immediately resumed at the point at which the meeting was interrupted.

B. The presiding officer has the power to call for a recess. Recesses requested by other councilmembers require a majority vote or consensus of council. The presiding officer will announce the amount of time allotted for the recess.

### **7.9.18 MOTION TO TABLE**

A. 'Table' shall mean the resetting or rescheduling of an item or issue placed on an agenda for consideration by the city council which includes, but is not limited to, extensions, continuances, delays, deferrals, and postponements.

B. Motions shall not be tabled; only items or issues can be tabled.

C. The time frame in which a tabled issue or item will be considered or reconsidered shall be determined by the city council, except when provided by city code. The council shall determine when the issue or item will be next-considered, the extent of discussion to be permitted, and where the item or issue will be placed on the agenda. An item or issue shall not be **tabled indefinitely**.

### **7.9.19 CALL THE QUESTION**

If a councilmember desires to close the discussion on a pending motion so that it will come to an immediate vote, he/she can 'call the question'. Because it takes away the right of councilmembers to continue discussion, it requires a motion, a second, and a roll call vote. There is no discussion on this motion. In making the motion, the maker cannot interrupt a speaker.

### **7.9.20 ADJOURNMENT**

A. Adjournment is announced by the presiding officer asking if there is any further business. If there is none and there are no objections, the presiding officer adjourns the meeting. Councilmembers agree to the adjournment by silent consent.

B. If an objection is offered by a councilmember, a motion, second, and a roll call vote of council is required to adjourn.

### **7.9.21 FAILURE TO OBTAIN A MOTION**

Failure to obtain a motion by the city council to act upon an issue or item being considered, which requires council action to dispose of same, shall be considered a denial or rejection of the item or issue.



**CHAPTER 7**  
**Section 10**

**MEETING RULES AND ORDER**

**VOTING**

**7.10.1 QUORUM**

The presence of three (3) of the five (5) councilmembers at a meeting shall constitute a quorum for the transaction of business.

**7.10.2 MAJORITY**

A. One (1) more than half the councilmembers present at a meeting shall constitute a majority, such as follows:

<u>Members Present</u>	<u>Majority</u>
2	No quorum
3	2
4	3
5	3

B. A super majority is one (1) more than the majority of members on council. Thus, a five-member council requires four (4) votes, which votes must all be in the affirmative or negative.

**7.10.3 VOTING REQUIREMENTS AND CONFLICTS**

A. The sections of the Florida Statutes pertaining to voting requirements and conflicts are summarized as follows:

1. Florida Statutes, Chapter 286.012, Voting Requirement

Each councilmember present at a meeting is required to vote on official matters and a vote recorded in the minutes for each, unless there is a conflict of interest.

2. Florida Statutes, Chapter 112.3143(3)(a), Voting Conflicts

No councilmember shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which he/she knows would inure to the special private gain or loss of any principal by whom he or

she is retained, of the parent organization or subsidiary of a corporate principal by which he or she is retained, of a relative, or of a business associate.

Councilmembers are required to abstain from voting and must publicly announce the nature of their interests before the vote. A memorandum of voting conflict must be filed with the city clerk within 15 days after the vote occurs, disclosing the nature of their interests in the matters. The city clerk will provide the form to the councilmember after the vote is taken.

#### **7.10.4 EFFECT ON QUORUM DUE TO ABSTENTION FROM VOTING**

When a councilmember is required to abstain from voting, the councilmember is disqualified from voting and may not be counted for purposes of determining a quorum (AGO 85-40).

#### **7.10.5 VOTES TO BE STATED 'AYE'**

A. In putting a motion to a vote, the presiding officer shall first call for the positive vote, and all who wish to vote in favor of the motion to indicate by saying 'aye'; the presiding officer then calls for the negative vote and those who wish to vote against the motion to indicate by saying 'nay'. The presiding officer must always call for the negative vote, no matter, how nearly unanimous the positive vote may appear. When there is any possibility of confusion, the presiding officer, before calling for the vote, should make sure that the members understand the effect of a positive vote and of a negative vote.

B. The votes shall be reflected in the minutes as "aye" for a positive vote and "nay" for a negative vote.

#### **7.10.6 SILENCE CONSTITUTES POSITIVE VOTE**

Silence by a member of the council during the taking of a vote shall be recorded as a positive vote.

#### **7.10.7 CHANGE OF VOTE**

When the presiding officer calls for a vote, councilmembers shall not be permitted to change their votes as recorded.

#### **7.10.8 VOTING BY PROXY**

Proxy voting is prohibited by state law.

#### **7.10.11 ABSENCE OF COUNCILMEMBER DURING A VOTE**

When a councilmember leaves the room to attend to other matters and council takes a vote, the member cannot vote on the subject matter when he/she returns to the room. The councilmember's name will not be reflected in the vote. The minutes will indicate when the member left the room and returned. If the vote has not been taken by the time the councilmember returns to the meeting, the councilmember shall vote. A councilmember is prohibited from leaving the room to avoid voting on a motion.

### **7.10.12 CONFLICT OF INTEREST**

When a councilmember announces there is a conflict of interest on an issue or item, the member is prohibited from voting on or discussing the measure and must "abstain". Prior to the vote being taken, the councilmember must publicly announce the nature of the conflict of interest in the issue or item from which the member is abstaining.

### **7.10.13 VOTE CONSTITUTES**

#### **A. Tie Vote:**

1. A tie vote shall be recorded as a failed or rejected motion.
2. In the event of a tie vote, the city council may, by a majority vote, have an item or issue brought back before council for reconsideration at the next meeting at which a full council is present.

## **CHAPTER 8**

# **CODE OF ETHICS for PUBLIC OFFICIALS (City Council, Boards, Commissions, Committees)**

**Council Policies and Procedures  
City of DeFuniak Springs, Florida**

City of DeFuniak Springs,  
Florida

**CODE OF ETHICS**  
**for**

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Public Office is a Public Trust.

The vitality and stability of representative democracy depends upon the public's confidence in the integrity of its elected and appointed representatives.

Whenever the public perceives a conflict between the private interests and the public duties of an elected or appointed official, that confidence is imperiled.

Government has the duty both to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officials of the behavior which is expected of them while conducting their public duties.

It is the purpose of the Code of Ethics to provide a method of assuring that standards of ethical conduct for the City's elected and appointed officials shall be clear, consistent, and uniform in their application, and to provide elected and appointed officials with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

**CHAPTER 8**  
**CODE OF ETHICS**  
**for**  
**PUBLIC OFFICIALS**  
(City Council, Boards, Commissions, Committees)

**8.1 DECLARATION OF POLICY**

It is the policy of the City of DeFuniak Springs to uphold, promote, and demand ethical conduct from its elected and appointed public officials. The citizens and businesses of DeFuniak Springs are entitled to have fair, ethical, and accountable local government.

As members of the City Council, we recognize the importance of codifying and making known to the general public the ethical principles and law that guide the work of elected officials and members of appointed boards, commissions, and committees (public officials). Public officials are to maintain the highest standards of personal integrity, truthfulness, and fairness in carrying out their public duties.

**8.2 APPLICABLE LAWS AND POLICIES**

A. Responsibility of Public Office

Stewardship of the public interest shall be the public official's primary concern, working for the common good of the citizens of DeFuniak Springs, and avoiding actions that are inconsistent with the best interests of the City. All persons, claims, and transactions coming before the City Council or any City board, commission, or committee, shall be assured of fair and equal treatment.

B. Compliance with Law

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, state, county, and municipality, and to carry out impartially these laws in the performance of their public duties to foster respect for all government. These laws include, but are not limited to, the United States and Florida Constitutions and city ordinances.

C. Conduct of Officials

The professional and personal conduct of public officials shall be above reproach and avoid even the appearance of impropriety. Public officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards, commissions, committees, City staff, or the public.

#### D. Performance of Duties

1. Public officials shall perform their duties in accordance with the processes and rules of order established by the City Council, boards, commissions, and committees, governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

2. Public officials shall be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.

#### E. Public Meetings

Public officials shall prepare themselves for the public issues, listen courteously and attentively to all public discussion before the body, and focus on the business at hand. Officials shall refrain from interrupting other speakers, making personal comments not germane to the business of the body or otherwise interfere with the orderly conduct of meetings.

#### F. Decisions Based on Merit

Public officials shall base their decisions on the merits and substance of the matter at hand.

#### G. Communication

Public officials shall publicly share with the body substantive information that is relevant to a matter under consideration by the Council or boards, commissions, and committees, which they may have received from sources outside the public decision-making process.

#### H. Conflict of Interest

1. In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official positions to influence government decisions in which they have a material financial interest or personal relationship, which may **give the appearance of** a conflict of interest. In accordance with law, officials shall disclose investments, interests in real property, sources of income and gifts, and shall abstain from participating in deliberations and decision-making where conflicts may exist.

2. Public officials should avoid action, whether or not specifically prohibited, which might result in or **create the appearance of:**

- using public office for private gain;
- offering preferential treatment to any person;
- impeding City efficiency or economy;
- losing complete independence or impartiality;
- making a City decision outside of official channels;
- affecting adversely the confidence of the public in the integrity of the City.

#### I. Gifts, Gratuities, and Favors

Public officials shall comply with the requirements of Chapter 112, Florida Statutes, relating to the acceptance and reporting of gifts, gratuities, and favors.

#### J. Confidentiality of Information

Public officials shall not disclose or furnish to anyone any information concerning City property, personnel, litigation, or proceedings of the City, other than public information or with legal authorization, that was obtained as a result of their positions with the City. This shall not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but shall prohibit the use of or providing information that would place the official or the recipient in a vantage position over the general public and thereby constitute a violation of public trust. Confidential information shall include, but not be limited to, any written information which is not subject to disclosure pursuant to Chapter 119, Florida Statutes, or any other statutory exemption regarding public records or any oral information which was not discussed at a public meeting.

#### K. Use of Public Resources

1. Unless specifically permitted by City policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel, or other goods or services is limited to City business. Public resources may not be used for private gain or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with City policy.

2. A public official may use the City's name, letterhead, logo, or seal only when it would be perceived as representing the City of DeFuniak Springs or the body as a whole and only with the prior consent of Council.

However, this provision will not prohibit individual councilmembers from using City letterhead and resources to write personal congratulatory letters. Letters of recommendations, references, endorsements, and such, may be written by councilmembers on City letterhead, with a copy being provided to each councilmember.

3. A public official shall not utilize the City's name, letterhead, logo, or seal for the purpose of endorsing any political candidate, business, commercial product, service or political action.

#### L. Representative of Private Interests

As stewards of the public interest, members of the City Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission, committee, or proceeding of the City. Public officials of boards, commissions, and committees shall not appear before their own bodies or before the City Council on behalf of the private interest of third parties on matters related to the areas of service of their bodies.



#### M. Advocacy

When designated as delegates for this purpose, public officials shall represent the official policies or positions of the City Council, board, commission, or committee to the best of their abilities. When presenting their individual opinions and positions, officials shall explicitly state that they do not represent their body or the City of DeFuniak Springs, nor give the inference that they do.

#### N. Policy Role of Members

Public officials shall respect and adhere to the form of government as outlined in the City Charter and Council's Policies and Procedures with respect to the City Manager's relationship with the City Council. In this structure, the City Council determines the policies of the City with advice, information, and analysis provided by the public, boards, commissions, committees, and City staff. Except as provided by City ordinance, councilmembers shall not interfere with the administrative functions of the City or the professional duties of City staff, or impair the ability of staff to implement Council policy decisions.

#### O. Independence of Boards, Commissions, and Committees

The value of independent advice and recommendations of boards, commissions, and committees to the public decision-making process is of such significance, that members of Council shall refrain from using their position to influence unduly the deliberations or outcome of board, commission, and committee proceedings.

#### P. Harassment

The City strongly disapproves of and does not tolerate harassment of any kind. Public officials shall avoid offensive or inappropriate harassing behavior. Complaints of harassment will be promptly and carefully investigated in accordance with the City Policy.

#### Q. Positive Work Place Environment

Public officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Officials shall recognize their roles in dealings with City employees and refrain from action that creates the perception of inappropriate direction to staff.

### **8.3 FLORIDA STATUTES (CHAPTER 112, PART III)**

A. Chapter 112, Part III, Florida Statutes, Code of Ethics for Public Officers and Employees, prescribes appropriate standards of ethical conduct for employees and elected and appointed officials. The city has adopted state law and incorporated it in the DeFuniak Springs Code of Ordinances as Section 34.10.B. Public officials required to file an annual financial

disclosure form, submitted in accordance with Section 112, Florida Statutes, shall file a copy with the City Clerk.

#### **8.4 IMPLEMENTATION**

A. The Code of Ethics for the public officials of the City of DeFuniak Springs is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embraces its provisions. For this reason, ethical standards shall be included in the regular orientation for candidates for the City Council, newly elected officials, and appointed members of boards, commissions, and committees.

B. Officials entering office will receive a statement certifying they have read and understand the City of DeFuniak Springs Code of Ethics. Signing the statement is optional. All public officials are subject to the provisions of the Code of Ethics whether or not the statement is signed.

C. The Code of Ethics shall be reviewed annually by the City Council, boards, commissions, and committees. Recommendations received from the review shall be considered by the City Council. The Code of Ethics shall be updated, as necessary, in November of even-numbered years.

City of DeFuniak Springs,  
Florida

**CODE of ETHICS  
for**

**CERTIFICATION OF UNDERSTANDING**

I, \_\_\_\_\_, as an elected official of the DeFuniak Springs City Council or as an appointed official of a City of DeFuniak Springs board, commission, or committee, hereby certify that I have read and understand the City of DeFuniak Springs's Code of Ethics for Public Officials.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

Please return this form to the City Clerk or the staff liaison of your board.

## **CHAPTER 9**

### **OFFICE OF THE CITY ATTORNEY**

#### **9.1 REVIEW OF LANGUAGE FOR ORDINANCES**

A. The language of all ordinances, resolutions and contracts shall be reviewed by the Office of the City Attorney prior to their consideration by the city council.