



CITY OF BELLE ISLE, FL
CITY COUNCIL RETREAT

Held at the Embassy Suites, 5835 TG Lee Blvd, Orlando, FL 32822

Friday, October 28, 2022, * 10:00 am
MINUTES

The Mayor, City Council, and staff attended a training on Friday, October 28, 2022, from 10 am - 3:00 pm at the Embassy Suites, 5835 TG Lee Blvd, Orlando, FL 32822. The meeting was duly posted on the City's website and at City Hall.

Present was:

Nicholas Fouraker, Mayor
District 1 Commissioner – Ed Gold
District 2 Commissioner – Anthony Carugno
District 4 Commissioner – Randy Holihan
District 5 Commissioner – Beth Lowell
District 6 Commissioner – Stan Smith

Absent was:

District 7 Commissioner – Jim Partin
District 3 Commissioner – Karl Shuck

Also present were City Manager Bob Francis, Chief Laura Houston, Deputy Chief Grimm, Finance Director Tracey Richardson, Finance/Admin Asst Heidi Peacock, and City Clerk Yolanda Quiceno.

Rosenberg Rules of Order and the Council Rules

Attorney and Partner of Trask Daigneault LLP, Randy Mora, presented an overview of the meeting and Council rules. He discussed the fundamentals of Parliamentary Procedures and Rosenberg's Rules of Order.

Adjournment

There being no further business, the session ended at 2:20 pm.

MEETING RULES OVERVIEW



November 16, 2021

Roadmap

-
- Who, What, Where, When Why and How of Parliamentary Procedure
 - Flow of a Meeting
 - Motions and Actions Generally
 - Amendments
 - How to Handle Various Motions
 - Speaking, Debate and Preserving Order
 - Voting
 - Adjournment

Henry M. Robert on Procedure



- Robert's Rule is derived from Henry M. Robert's *Pocket Manual of Order for Deliberative Bodies* (1876)
- The assembly meets to transact business, not to have members exploit their knowledge of parliamentary law. A business meeting is not a class in parliamentary law.
- Parliamentary law should be the servant, not the master, of the assembly.
 - Henry M. Robert
- Now on Robert's Rules of Order, Newly Revised (12th ed.) and offers sample rules for electronic meetings

The Goal and Importance of Procedure



Goal: The application of parliamentary law is the best method yet devised to enable assemblies of any size, with due regard for every member's opinion, to arrive at the general will on the maximum number of questions of varying complexity in a minimum amount of time and under all kinds of internal climate ranging from total harmony to hardened or impassioned division of opinion.

Importance:

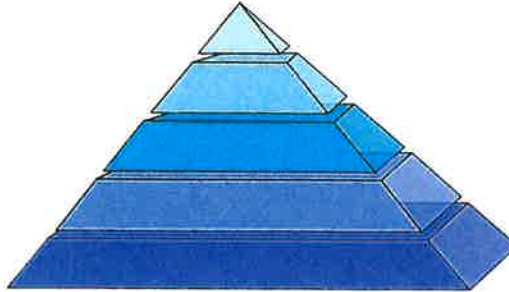
- All members have equal rights
- Minority rights must be protected
- Full and free discussion is an essential right
- Use simplest and most direct procedure
- Only one question considered at a time
- Logical precedence governs order of discussion

Sources of Parliamentary Guidelines



Precedence:

State Statutes
County Charter
County Ordinances (Ordinance 2021-30)
Rules
Orders



Section 2-63

"Failure to adhere to this division shall not serve as a basis to invalidate action taken by the Council."

Parliamentarian



- County attorney is usually the designated parliamentarian at Florida County Commission meetings.
- Parliamentarian first relies on the council's policies and rules of procedure for guidance; if the council's policies do not address the issue, parliamentarian consults a secondary source for guidance, such as Robert's Rules of Order.
- May call to attention errors in the proceedings which affect the substantive rights of any member or otherwise do harm, but will not interrupt the proceedings unless substantive rights are at issue.

When Does This Apply?

- At lawfully held meetings, pursuant to Florida's Sunshine Law
- Full Commission: 7 duly elected members
- Quorum: 4 of the 7 members

Flow of a Meeting

- Critical to orderly meetings and shared expectations
- Flow of an Agenda
 - ▣ Call to Order
 - ▣ Invocation/Pledge
 - ▣ Roll Call
 - ▣ Public Comment
 - ▣ Consent Agenda
 - ▣ Confirmations/Presentations
 - ▣ Other Business
 - ▣ Public Hearings
 - ▣ Adjournment

Motions Generally



Types of Motions and 13 Ranking Motions



Four types of motions: main, subsidiary, privileged, and incidental.

*Fix time which to adjourn

*Adjourn

*Recess

*Raise a question of privilege

*Call for orders of the day

°Table

°Previous question or call the question

°Limit or extend limits of debate

°Postpone to a certain time

°Refer to a committee

°Amendment

°Postpone indefinitely

Main motion

*Privileged motion

°Subsidiary motion

Regular Meeting Motions



- 1 No discussion without a pending motion.
- 2 Until a matter has been brought before council in the form of a motion proposing a specific action, it cannot be debated (RROO (p.366, 43:4))

Taking Action



- 1 A member is recognized.
- 2 A member makes a motion: "I move that _____."
- 3 A member seconds the motion.
- 4 The Chair/Presiding Officer states the motion.
- 5 The members debate the motion.
- 6 The Chair/Presiding Officer puts the question to a vote.
- 7 The members vote.
- 8 The Chair/Presiding Officer announces the result of the vote.



Recognition & Debate



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- ❑ Before a council person may speak, s/he must be recognized by the chair as having the exclusive right to be heard at that time.
- ❑ The chair must recognize any member who seeks the floor while entitled to it.
 - ❑ Each motion is a separate question.
 - ❑ Each council member may speak twice on each question, for up to 10 minutes each time.
 - ❑ Extension of speaking time requires 2/3 council vote.
 - ❑ Each council member has the right to speak once, if desired, before a council member may speak a second time on a question.

County Ord., sec. 2-65(d).



Seconding a Motion



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- ❑ After a motion has been made, another member who wishes it to be considered states, "I second the motion," or "I second it," or even, "Second!"
- ❑ A second merely implies that the seconder agrees that the motion should come before the council and not that s/he necessarily favors the motion.

Chair Duties Regarding a Motion



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After a motion is seconded, the chair determines whether the motion is in order:

1. If the motion is not in order, the chair states the “motion is not in order because...” or “the motion is out of order because...” (not “the member is out of order” or “your motion is out of order”).
2. If the motion is in order, the chair states the motion: “It is moved and seconded that... .”
3. After the chair states the motion, council members debate the motion.
4. After debate ends the chair “puts the question” that is s/he puts it to a vote after making clear the exact question the assembly is called upon to decide. The exact wording the chair uses is definitive.
5. After the vote, the chair announces the result.

Unanimous Consent



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- In case where there seems to be:
 - ▣ No opposition

 - ▣ Routine business

 - ▣ Questions of little importance

The chair states, “If there is no objection...[or, without objection],” or s/he may ask “Is there any objection to...”

Motions Not Typically Subject to Discussion

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- Moving the Previous Question a/k/a Calling the Question
- Lay the Motion on the Table/Table the Motion
- Recess/Adjourn
- Divide the Question
- Suspension of the Rules

Moving the Previous Question

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- Motions to “Call the Question” or “To Vote Now” is an informal way of “Moving the Previous Question”
- Before or After such a motion the chair may ask if there is any objection to closing debate
- If members object or try to get the floor, the Chair should still ask if there is a second to the motion to call the question
- If the motion to call the question is seconded, it must immediately take a vote *on whether to order the previous question*
- Voting on calling the question is separate from and must precede the eventual another time

Motion to Amend



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An amendment is a motion to modify the wording and sometimes the meaning of a pending motion, (a motion that is on the floor before the assembly at that time.) It is not used to modify something already adopted, WHICH is a different motion.

- 1 To insert or add.
- 2 To strike out.
- 3 To strike out and insert.

Motion to Amend



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- 1 The amendment is debated and voted on, and then the amended motion is debated and voted on.
- 2 The chair should state not only the amendment, but how the motion will read if the amendment is adopted. For example, "It is moved and seconded that _____ be inserted between the words _____ and _____. If adopted, the motion will be that _____."
- 3 Adopting the amendment does not adopt the main motion. Both the amendment and the amended motion need to be voted upon. First the amendment is voted on, then the main motion.

Improper Amendments



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- Amendments that are not relevant.
- Amendments that are hostile to the original motion.
- Amendments dealing with settled matters.
- Amendments that are frivolous or absurd.

Fundamental Principle



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- ▲ Each member has the right to make the maximum effort to have his or her position declared the will of the council...
- to the extent that can be tolerated in the interests of the entire body.

Motion to Reconsider



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- a. Brings back for further consideration a motion that has already been voted on. The purpose of reconsidering a vote is to permit correction of haste, ill-advised, or erroneous action, or to take into account added information or a changed situation.
- b. If the motion is adopted, the original vote is cancelled. The effect is – to the extent practicable – to place before the council again the question on which the vote has been reconsidered, in the exact position it occupied the more before it was voted on originally.
- c. It can only be made by a member who voted on the prevailing side.

Motion to Rescind or Amend Something Previously Adopted



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The council can change an action previously taken or considered:

- a. A two-thirds vote; or
- b. A majority vote with notice; or
- c. A vote of a majority of the entire council.

Renewal of a Motion



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- ❑ To introduce a motion again after not being adopted.
- ❑ No motion can be renewed during the same session in which it has already been before the council (the settled rule).
- ❑ Any motion can be renewed at a later meeting.

Debate / Speaking



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1. A member must be recognized before they can speak.
2. A member may only speak twice on any motion and may not speak the second time if someone wants to speak for the first time.
3. The maker of the motion has the right to speak first.
4. No one may speak for more than 10 minutes at a time.
5. Debate must be relevant to the motion.
6. Debate can be limited to a 2/3 vote either limiting the number of times to debate, the time allowed for each debate, or the total time to be allowed for the debate of a particular motion.

Rules of Speaking and Debate



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- 1 As much as possible, the use of names of members should be avoided in debate.
- 2 Remarks must be relevant. When remarks are not germane, try this useful sentence: "Members will kindly keep their comments strictly to the topic under discussion."
- 3 No attacks on personalities. No name calling.
- 4 No impugning of a member's motives. The measure, not the member, is the subject of debate.

No Interruptions



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- When a member has been assigned the floor and has begun to speak, s/he cannot be interrupted by another member,

□ UNLESS:

When a member notices that a significant procedural mistake has been made, s/he should call out, "Point of Order." The chair has the duty to ask what the point is, and then to rule as to whether it is correct (the jargon term for correct is "well taken," the term for incorrect is "not well taken").

County Ordinance:

"Members of the Council may raise questions of procedure or a point of order to the Chair and have the Chair immediately decide the procedure or point of order subject to appeal as provided in [the code]"

Votes

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- ❑ All members have a legal duty to vote
- ❑ Members may only abstain for a *legal conflict*, or as otherwise advised by counsel
- ❑ A member can vote against their own motion
- ❑ A tie vote defeats a motion
- ❑ Majority vote is required for most votes (2-63 (b)).

Who Preserves Order?



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- ❑ The presiding officer (chair) preserves order and decorum...The presiding officer determines all points of order, subject to the right of any council member to appeal to the county council.
- ❑ If an appeal is taken, the question for the county council is: "Shall the decision of the chair be sustained?"

Breaches of Order



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- 1 Speaking without being recognized.
- 2 Remarks about the council or council members collectively are in-order. Personal remarks about individual council members are out of order.
- 3 Remarks about the county administration are in-order. Personal remarks about county staff members are out of order.
- 4 Condemning the nature or likely consequences of a proposed measure in strong terms is in-order. Attacking or questioning the motives of another council member is not in-order.

Procedure for Disciplining a Member



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Slight breaches of order

- Rap the gavel lightly – such as (1) addressing another member by first name, or, in a single instance, (2) failing to confine his or her remarks to the merits of the pending question.
- The chair raps the gavel lightly, points out the fault, and advises the member to avoid it.
- The member can then continue speaking if s/he commits no further breaches.

More serious offense

- When a member notices a breach of order that may do harm if allowed to pass, s/he without waiting for recognition, immediately states to the chair, "Point of Order!"
- When a point of order is raised, the chair must stop the speaker or stop the process of the meeting and rule on the point of order.
- The chair either sustains the point of order or overrules it.

Appeal of Chair Decision

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County Ordinance, sec. 2-65(e): A councilmember may appeal a decision of the Chair:

- ▣ No second required;
- ▣ Debatable if the question was debatable;
- ▣ Not appealable; and
- ▣ Majority vote.

Procedural process:

1. "I appeal the decision of the chair."
2. Chair: "Shall the decision of the chair stand."
3. Vote proceeds
4. After the result of the vote is announced, business is resumed in accordance with the situation existing after the action on appeal.

Adjournment

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"All those in favor of saying 'It's a wrap' instead of 'Meeting adjourned' say 'Aye.'"

County Ordinance

If no motion is pending, Councilmembers may move to adjourn

Upon the incompleteness of the agenda, an adjourned meeting may be "moved" by specifying a time and date before or on the date of the next regular meeting

Not debatable

The meeting is adjourned only after declared by the Chair

Questions

