

INTRODUCED BY:
MAYOR PRUETTE



ORDINANCE NO. 2015-15

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION; SECTION 2-27, SPECIAL MEETINGS; SECTION 2-29, PRESIDING OFFICER; SECTION 2-30, CALL TO ORDER; SECTION 2-31, ROLL CALL; SECTION 2-35(1)(2)(3)(6), RULES OF DEBATE; SECTION 2-38, SAME-MANNER OF ADDRESS; TIME LIMIT; SECTION 2-40, SERGEANT-AT-ARMS, SECTION 2-44, REASON FOR DISSENT, PROTEST OF MEMBERS ENTERED IN MINUTES; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

Now, Therefore, be it ordained by the City Council of Neptune Beach, Florida:

Section 1. Section 2-27. Special Meetings shall be amended as follows:

Sec. 2-27. Special Meetings.

The Mayor shall call special meetings of the city council whenever in ~~his~~ the Mayor's opinion the public business may require it, or in ~~his~~ the absence of the Mayor at the call of the Vice Mayor, or at the request of a majority of the council~~men~~. Whenever a special meeting is called, a summons or a notice in writing signed by the Mayor shall be served upon each member of the council either in person or by notice left at ~~his~~ their place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called. No business shall be transacted at the special meeting except such as is stated in the notice.

Sec. 2-28. Agenda.

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the city council shall, at least by noon of the Wednesday preceding each council meeting be prepared by the city manager and delivered to the city clerk. The city clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the council, the Mayor, the city manager and the city attorney with a copy of the same prior to the council meeting as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the council by administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the Mayor or city manager before presentation.

Section 2. Section 2-29. Presiding Officer shall be amended as follows:

Sec. 2-29. Presiding Officer.

The presiding officer of the city council shall be the Mayor. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the council. ~~He~~ The Mayor shall state every question coming before the council, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which event a majority vote of the council shall govern and conclusively determine such question of order. ~~He~~ The Mayor shall vote on all questions, ~~his~~ their name being called last. ~~He~~ The Mayor shall sign all ordinances and resolutions adopted by the council during ~~his~~ their presence. In the event of the absence of the Mayor, the presiding officer shall sign ordinances or resolutions as then adopted.

Section 3. Section 2-30. Call to Order shall be amended as follows:

Sec. 2-30. Call to Order.

The Mayor, or in ~~his~~ their absence, the Vice Mayor ~~pro-tem~~, shall take the chair precisely at the hour appointed for the city council meeting, and shall immediately call the council to order. In the absence of the Mayor and the Vice Mayor ~~pro-tem~~, the temporary ~~chairman~~ chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

Section 4. Section 2-31. Roll Call shall be amended as follows:

Sec. 2-31. Roll Call.

Before proceeding with the business of the city council, the city clerk or ~~his~~ their deputy shall call the roll of the councilmembers, and the names of those present shall be entered in the minutes.

Sec. 2-32. Quorum.

A majority of all the members elected to the city council shall constitute a quorum at any regular or special meeting of the council. In the absence of a quorum, the presiding officer will cancel the meeting.

Sec. 2-33. Order of Business.

All meetings of the city council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the council, the city clerk, the city manager and the city attorney shall take their regular stations in the council chambers, and the business of the council shall be taken up for consideration and disposition. The order of business of the council shall be set by resolution of the city council.

Sec. 2-34. Reading of Minutes.

Unless a reading of the minutes of a city council meeting is requested by a member of the council, such minutes may be approved without reading if the city clerk has previously furnished each member with a synopsis thereof.

Section 5. Section 2-35. Rules of debate shall be amended as follows:

Sec. 2-35. Rules of Debate.

The following rules of debate shall be followed at city council meetings:

- (1) *Presiding Officer.* The Mayor or Vice Mayor ~~pro-tem~~ or such other member of the city council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a council member by reason of ~~his~~ their acting as the presiding officer.
- (2) *Getting the floor; manner of address.* Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself themselves to the question under debate, avoiding all personalities and indecorous language.
- (3) *Interruptions: calls to order.* A member, once recognized, shall not be interrupted when speaking unless it is to call ~~him~~ them to order, or as otherwise provided in this section. If a member, while speaking, is called to order, ~~he~~ they shall cease speaking until the question of order is determined, and if in order, ~~he~~ they shall be permitted to proceed.
- (4) *Privilege of closing debate.* The council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.
- (5) *Motion to reconsider.* After the decision of any question, it shall be in order only for a member voting on the prevailing side to move reconsideration at the same or the next regular meeting. If a motion to reconsider is lost, it shall not be renewed without a two-thirds vote of the members present; no motion shall be reconsidered a second time without the unanimous consent of the council.
- (6) *Entering remarks in minutes.* A council member may request, through the presiding officer, the privilege of having an abstract of ~~his~~ their statement on any subject under consideration by the council entered in the minutes.
- (7) *Synopsis of debate; entering in minutes.* The city clerk may be directed by a member of the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council.
- (8) In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict

with the provisions of the City's Charter, this Code of other city ordinances shall be the rules of the city council.

Sec. 2-36. Addressing the council – Written, oral communications; readings.

Any person desiring to address the city council shall first secure the permission of the presiding officer to do so; provided however, that under the following headings of business, unless the presiding officer rules otherwise:

- (1) *Written communications.* Interested parties or their authorized representatives may address the council by written communications in regard to matters then under discussion.
- (2) *Oral communications.* Taxpayers or residents of the city, or their authorized legal representatives, may address the council by oral communications on any matter concerning the city's business, or any matter over which the council has control; provided, however, that preference shall be given to those persons who have notified the city manager in advance of their desire to speak in order that the same may appear on the agenda of the council.
- (3) *Reading of protests, petitions, etc.* Interested persons or their authorized representatives may address the council by reading of protests, petitions or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration.

Sec. 2-37. Same – After a motion.

After a motion is made by the city council, no person shall address the council without first securing the permission of the council.

Section 6. Section 2-38. Same – Manner of Address; time limit shall be amended as follows:

Sec. 2-38. Same – Manner of Address; time limit.

Each person addressing the city council shall step up to the microphone, shall give ~~his~~ their name and address in an audible tone of voice for the record, and unless further time is granted by the council, shall limit ~~his~~ their address to five (5) minutes. All remarks shall be addressed to the council as a body and not to any member thereof. No person other than the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No questions shall be asked a council member except through the presiding officer.

Sec. 2-39. Decorum.

- (a) *By council members.* While the city council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise provided herein.
- (b) *By the public.* Any person who makes personal, impertinent or slanderous remarks or who becomes boisterous while addressing the council shall be forthwith barred by the presiding officer from further audience before the council, unless permission to continue is granted by a majority vote of the council.

Section 7. Section 2-40. Sergeant-at-arms shall be amended as follows:

Sec. 2-40. Sergeant-at-arms.

The chief of police, or such members of the police department as ~~he~~ the chief may designate, shall be sergeant-at-arms of the city council meetings. ~~He~~ The chief, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause ~~him~~ that person to be prosecuted under the provision of this Code.

Sec. 2-41. Persons authorized to be at table.

No person, except city officials, their representatives and newspaper reporters, shall be permitted at the table in front of the city council chamber without the express consent of the council.

Sec. 2-42. Special committees.

Unless otherwise directed by council all special committees of the city council shall be appointed by the presiding officer.

Sec. 2-43. Standing committees.

The only standing committee of the city council shall be the committee of the whole. The presiding officer shall be the presiding officer of the committee of the whole, and the rules of proceedings in the council shall be observed in the committee of the whole as far as the same are applicable.

Section 8. Section 2-44. Reasons for dissent, protest of members entered in minutes shall be amended as follows:

Sec. 2-44. Reasons for dissent, protest of members entered in minutes.

Any councilmember shall have the right to have the reasons for ~~his~~ their dissent from, or protest against, any action of the city council entered in the minutes.

Sec. 2-45. Consideration, report on claims against city.

No account or other demand against the city shall be allowed until the same has been considered and reported upon by the committee of the whole.

Sec. 2-46. Ordinances, resolutions, motions, contracts.

- (a) *Preparation of ordinances.* All ordinances shall be approved by the city attorney. No ordinance shall be prepared for presentation to the city council unless requested by a member of the council.
- (b) *Introducing for passage or approval.*
- (1) All official actions of the city council shall be by roll call.
 - (2) No ordinance shall be put on its final passage on the same day on which it was introduced, except in case of emergency.
 - (3) All ordinances shall have two (2) separate readings, but the first and final reading shall never be had on the same day, except in case of emergency. When the committee to which an ordinance has been referred shall report such ordinance to the council at a subsequent meeting, the ordinance shall stand for final action in accordance with the report of the committee, notwithstanding that such committee reports an amended or substituted ordinance, provided that such amendment or substitution is germane to the ordinance originally referred to such committee.
 - (4) No ordinance shall relate to more than one (1) subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof.
 - (5) Upon the second and final reading of the ordinance, the presiding officer shall require recording of the yeas and nays to determine its passage. An ordinance, after reference and report thereon, may be re-referred at any time previous to its final passage.

Sec. 2-47. Reports, resolutions file with clerk.

All reports and resolutions shall be filed with the city clerk and entered in the minutes.

Sec. 2-48. Adjournment.

A motion to adjourn shall always be in order and decided without debate.

Sec. 2-49. Compensation for the city council.

Pursuant to the authority of section 2.03 of the City Charter, the Mayor shall receive a salary of six hundred fifty dollars (\$650.00) per month and the other members of the city council shall receive a salary of four hundred dollars (\$400.00) per month.

Sec. 2-50. Temporary suspension of an individual ordinance.

The city council may suspend an ordinance for up to one hundred eighty (180) days by a four-fifths majority vote of its members, and may extend the suspension for additional one hundred eighty (180) day periods, if necessary, by a like vote.

Secs. 2-51 – 2.65. - Reserved

Section 9. The Ordinance shall become effective on after passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	Yes
Councilor Scott Wiley	Yes

Passed on First Reading this 9th day of September, 2015.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	Yes
Councilor Scott Wiley	Yes

Passed on Second and Final Reading this 5th day of October, 2015.

Harriet Pruette, Mayor

ATTEST:

Karla Strait, CMC, City Clerk

Approved as to form and correctness:

Patrick Krechowski, City Attorney