

RESOLUTION 04-2016

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 07-2014 RELATING TO COUNCIL PROCEDURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS the Town Council desires to follow the direction stated in the Town Charter to follow Roberts Rules of Order in setting the order of business. Nothing in this resolution is meant to conflict with the Charter or Roberts Rules; and

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

SECTION 1. Establishment.

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

SECTION 2. Process.

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

SECTION 3. Meetings

Regular meetings of the Malabar Town Council shall be scheduled for the first and third Monday of each month. All meetings shall be called to order at 7:30PM unless alternative times and dates are agreed to by a majority of Council.

- At 10:15PM the Chair shall announce there is only 15 minutes left in meeting (without a vote to extend) and the Chair may reprioritize any remaining agenda items at that time.

- All meetings shall adjourn no later than 10:30 PM unless all members of the Town Council present, vote by unanimous consent to extend the time for adjournment to a time certain. Any agenda items remaining at the time of adjournment shall be carried over to the next regularly scheduled meeting unless, prior to adjournment, the Town Council determines that an item should be placed on the agenda for a special meeting.

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

SECTION 4. Regular Meetings

A. Agenda Order. Council Chairperson sets the order of business for each meeting in accordance with the Town Charter and Robert's Rules.

- a. Call to order & prayer and pledge – may or may not be rotated among Council per Chair.
- b. Roll call— Chair requests clerk to call the roll and then announces those members of council excused and declares a quorum.
- c. Agenda approval - additions, deletions and changes to the agenda – council or mayor, town administrator or clerk may ask that items be added, deleted or moved up or down the agenda.
- d. Consent agenda – all items not requiring separate discussion may be placed here and approved with one motion and a rollcall vote if there are resolutions on the consent agenda.
- e. Approval of minutes from previous meeting
- f. Attorney report
- g. Sheriff's office report
- h. Staff reports -
- i. Board and/or committee reports
- j. Public comments five minute limit (may not address subsequent agenda

items) speaker card required. Speaker's cards will be available by the council chamber door to be utilized by persons desiring to address council on items listed on the agenda. a copy of the speaker's card is attached as exhibit "b" speaker cards are required for all agenda items except public hearings. Speaker cards shall be transmitted to the chairperson of the town council for the purpose of determining the number of speakers for any agenda item and establishing a framework for public comments. Speaker cards must be transmitted to the chairperson prior to the opening of the agenda item specified on the card in order to be valid. The town council may, by majority vote, allow late submittals of speaker's cards. No response is required from council to any public input. Speaker cards will be recognized by agenda item number prior to council taking up the agenda item. Exception: if a member of the public wishes to be recognized after council has taken up an agenda item, any council member may ask the chair to recognize that person. If the chair refuses to recognize the person then it shall be put to a vote of council. Public comments shall be limited to five minutes maximum per person during a regular or special town council meeting. The town council may, by majority vote, extend the five minute limitation. This section applies except in the case of a required public hearing as per state law.

k. Public Hearings / Special Orders_

l. General Orders / New Business Agenda items directly related to residents present at the meeting: (such as Board recommendations, HOA requests, resident grievances, etc.) Ordinances, Resolutions and miscellaneous items follow. Board members representing their Board's recommendation or appearing at the request of the Mayor or Council Member is not required to submit a Speaker's card in order to address council or respond to council's questions.

Chair may excuse Attorney at this point if there is no objection.

- m. Presentations – may be moved to front of meeting.
- n. Proclamations - may be moved to front of meeting.
- o. discussion items - listing old / unfinished business first then new business
- p. reports, verbal, by council , mayor
- q. publiccomment-any subject-speaker card required
- r. Adjournment: no further business to propose.

B. Agenda Items

1. The Chair sets the agenda in accordance with Charter and Robert's Rules.
2. Any person may ask a council member or mayor to make a request to the Chair to place one or more items on the agenda by submitting a completed request form attached as Exhibit "A" and related information to the Town Clerk's Office.
3. The normal deadline for submitting agenda items along with all information relating to the items, to the Town Clerk's Office, is noon, ten (10) business days preceding the next regularly scheduled meeting. Staff will have all agenda material prepared and available to Council Members by noon on Wednesday prior to the meeting.
4. No requests for placement on the agenda will be accepted from any candidate or person supporting any candidate for public office which promotes the campaign of any candidate.
5. The Consent Agenda may contain Resolutions, Council minutes, reports or other items that can be approved as a group without necessity for comment and discussion.

C. Absence Procedures

1. If a Council Member or the Mayor intends to be absent from any Council meeting, he or she shall notify a staff Member of the absence and the reason why. Notification of a staff Member shall have the following priority: 1)Town Clerk, 2)Town Administrator, 3) Deputy Clerk. If it is after hours at the Town Hall, the Council Member or Mayor shall leave a message on the answering machine.
2. Communication shall be maintained among staff members so that the Clerk who will be serving at the Council meeting is aware of the absence.
3. Prior to the start of the Council meeting, the Clerk shall check the answering machine and notify the Chair of any absences and the reason why.
4. If a Council Member or the Mayor arrives after roll call, the Chair shall announce that Member's presence and time of arrival. The Clerk shall then change that Member's status from absent to present in the roll and note it in the minutes.
5. If a Council Member or the Mayor leaves before the end of the meeting, the Chair shall announce that Member's departure and the time. The Clerk shall then note it in the minutes and in the votes.

D. Meeting Process

- a. Chair calls meeting to order and directs Prayer & Pledge
- b. Chair announces any Council Member and/or Mayor that is not present and states if they are excused. Chair directs Clerk to call roll.
- c. Chair reads each item on the Consent Agenda. If there is a resolution the Chair reads it by title only and then asks for a supporter to make a motion and then asks for a second. If there is a resolution on Consent Agenda the Chair asks Clerk to do a rollcall, otherwise it is a voice vote.
- d. Council Members (CM) do not have to rise to make a motion but it must be seconded before discussion. Motion should be phrased in such a way that the motion maker agrees/supports the motion. Motion should be phrased using positive words whenever possible. Motion maker may say "so moved" unless motion is not clear.

SECTION 5. Conflict and Repeal.

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

SECTION 6. Effective Date. This Resolution shall take effect immediately upon its adoption. This Resolution was moved for adoption by Council Member

Council Member Kohler Vail This motion was seconded by Kohler and being put to vote, the vote was as follows:

- | | |
|-------------------------------|-----|
| Council Member Grant Ball | Aye |
| Council Member Brian Vail | Aye |
| Council Member Don Krieger | Aye |
| Council Member Dick Korn | Aye |
| Council Member Richard Kohler | Aye |

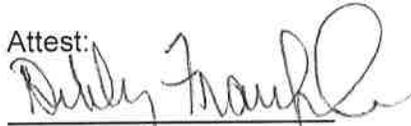
This Resolution was then declared to be duly passed and adopted this 21st day of March, 2016.

By: TOWN OF MALABAR



Mayor Phil Crews, Council Chair

Attest:



Debby K. Franklin Town
Clerk/Treasurer

(seal)

Approved for form and content by



Karl Bohne, Jr., Town Attorney

EXHIBIT "A"

AGENDA ITEM REQUEST FORM
MALABAR TOWN COUNCIL

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

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

NAME: _____

ADDRESS: _____

TELEPHONE: _____
(Home) (Business)

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

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

Please state desired action by Town Council :

Signed: _____

Date: _____

SPEAKER'S CARD (Please Print)

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

Purpose of the Card:

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

Speaking Rules:

Complete Speaker's Card prior to council introduction of item. Use one card per Agenda Item
 Deliver completed card to Town Clerk
 Speaker will have 5 minutes to address the subject

An additional minutes may be granted if approved by Chair
 Speakers will be called upon by the Chair.