

RESOLUTION NO. 2021-08

A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA, RESCINDING RESOLUTION NO. 2017-05; ADOPTING CERTAIN RULES OF PROCEDURES FOR THE TOWN COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission did adopt Resolution No. 2018-22 establishing certain rules of procedures pertaining to the conduct of its business; and

WHEREAS, the Town Commission wishes to amend the Rules and Procedures for the Town Commission identified in Resolutions 2018-22, making them obsolete; and

WHEREAS, the Town Commission wishes to approve new Rules for the Town Commission; and

NOW, THEREFORE BE IT RESOLVED by the Town Commission of the Town of Belleair, Florida, that:

Section 1. Resolution No. 2018-22 will be rescinded

Section 2. The following rules for the Town Commission are hereby established:

Rule 1. Public Meetings.

- a. All meetings of the Town Commission are open to the public, except those otherwise provided by law, and are held in Town Hall, located at 901 Ponce de Leon Boulevard, Belleair, Florida.
- b. All public meetings of the Town Commission will be simultaneously broadcast through use of the Zoom virtual platform as an additional means of providing public access and participation.
- c. All public meetings shall be conducted according to Robert's Rule of Order.

Rule 2. Regular Meetings.

- a. The Commission has scheduled its Regular meetings for the first Tuesday of the month at 6:00 p.m. and on the third Tuesday of each month at 6:00 p.m.
- b. The Commission may, at a publically noticed meeting, change the date and time of regular meetings, or cancel a regular meeting, however the Commission must hold at least one (1) Regular Meeting per month.

Rule 3. Special Meetings.

- a. The Mayor or Deputy Mayor may call a Special Meeting of the Commission with at least 72 hours written or verbal notice.
- b. A majority of the Commission may also call a Special Meeting, however such action must be taken at a publically noticed meeting.
- c. The Mayor may call an Emergency Meeting of the Commission with at least 24 hours written or verbal notice in the case a state of emergency exists or

is imminent.

Rule 4. Quorum.

- a. Three (3) physically attending members of the Commission constitutes a quorum. a smaller number, before adjourning, may fix the time for holding an adjourned meeting and may compel the attendance of absent members
- b. The Mayor may allow any member to attend, question, participate in discussion, and vote virtually through zoom or other accepted telephonic means so long as a quorum will be physically present.
- c. Members attending remotely may not vote on any quasi-judicial matters.

Rule 5. Agenda and Meeting Notice.

- a. All agenda related materials will be delivered to the Commission in electronic form by the end of Friday preceding the Commission meeting.
- b. Agenda items not disbursed to the Commission by the delivery deadline may only be added to the agenda by majority vote of the Commission at the meeting in question.
- c. Staff will place items not requiring discussion, individual action, or public hearing under the heading “Consent Agenda”. Approval of these items may be executed by a single motion to approve the “Consent Agenda”.
- d. Any Commissioner, Town Attorney or Town Manager may withdraw any item(s) from the Consent Agenda for individual discussion and Commission action.
- e. The agenda for the Regular Meetings will be set by the Town Manager.
- f. The Commission may cause an item to be placed on a future agenda by majority vote of the Commission at a publically noticed meeting.

Rule 6. Order of Business.

The business of all Commission meetings must be transacted in the order the agenda is laid out. The Mayor may change the order barring objection from a Commissioner.

Rule 7. Procedure for adoption of ordinances.

- a. The Town Attorney or designee is required to read any ordinance by title on at least 2 separate meetings of the Town Commission and these meetings being at least seven (7) days apart.
- b. All ordinances shall have an effective date as set forth in the ordinance.
- c. The Town Commission may enact an emergency ordinance should an emergency exist, and such an ordinance can be effective immediately on adoption. Such ordinances remain effective for only sixty (60) days and are limited in scope by section 2.11 of the Town Charter.

Rule 8. Public Comment Rules.

- a. Persons planning to speak at any commission meeting shall sign the Speaker’s Sign-In Form prior to the beginning of said meeting. Persons attending by Zoom shall utilize the “raise hand feature” and will be called on to speak. Chat messages or questions will not be recognized unless properly posed by a party recognized by the chair to speak.
- b. Persons of the audience shall not be permitted to address the Commission

unless permission is granted by the Mayor. The decision of the Mayor may be overruled by a vote of a majority of the Commission.

- c. Any person desiring to address the Commission on items not listed on the agenda may do so once at each meeting at the Citizens' Comments portion of the agenda and are allowed a total of three (3) minutes to speak with extra time allowed at the discretion of the Mayor. Extra time shall not exceed two (2) minutes
- d. For any single agenda item, and except for zoning, no more than one-half hour per side shall be allocated to speakers from the public. The presiding officer shall limit the time of each individual speaker in order to insure compliance with this rule.
- e. ~~Applicants and those individuals or groups making official presentations on items on the agenda will not be timed, however~~ The Mayor retains the right to end presentations if the situation presents itself.
- f. Those who are not applicants or official presenters but wish to speak on an agenda item may speak once for a maximum of three (3) minutes on each agenda item with extra time allowed at the discretion of the Mayor. Persons attending in a group of four (4) or more may waive their individual three (3) minutes and designate a group speaker who will be allowed a total of up to ten (10) minutes to speak with extra time at the discretion of the Mayor.
- g. Persons attending by Zoom will be required to have a Zoom authentication (account registration is free) to join the meeting and must identify themselves by name and address to provide comment. Anonymous participants will not be acknowledged for commentary or questions.
- h. Persons speaking either in person or through Zoom should direct their comments to the Town Commission. While any speaker is within their right to ask questions, the comment clock will not be stopped. It is suggested that commenters make their full comment to include any questions they wish to ask, and allow the Commission or staff to answer the question, if warranted, following the comments period.

Rule 9. Decorum and Order.

- a. A Commission member wishing to speak should wait to be recognized by the Mayor, and should confine remarks to the question or issue under discussion. All comments should be courteous, polite, and professional.
- b. While the Commission is in session, the Mayor must preserve order and decorum and a Commission members should not disrupt the member who has been recognized to speak, or those members who are listening to what is being discussed.
- c. Any person making personal, impertinent or inappropriate remarks or who becomes boisterous while addressing the Commission may be forthwith removed from the meeting. This applies to both in person and virtual attendance.

Rule 10. Voting.

Voting is to be done by roll call for all votes except procedural motions. When the question is called, the Mayor will ask for the roll for recordation into the official minutes.

Rule 11. Advisory Board Assignments.

Advisory boards are assigned by the Mayor at his sole discretion. The assignment occurs each April and is done by memo from the Mayor to the Town Manager.

Rule 12. Appointments.

- a. The Commission is required to appoint a town manager. That appointment requires four (4) affirmative votes. The Commission may remove the town manager. Removal also requires four (4) affirmative votes.
- b. The Commission is required to appoint a town attorney. That appointment holds no requirements for appointment or removal, outside of any contractual obligations which may exist.
- c. The Commission may also appoint residents to sit on advisory boards. Terms for advisory board members expire every two (2) years. At the time of expiration, or vacancy for alternative reasons, any commissioner can nominate a citizen for an advisory board seat by informing the Town Clerk in writing of the intent to do so. This must be done prior to the Agenda being distributed to the Commission. The Town Clerk will then provide the Commission the list of nominated individuals for formal action at the next Regular Meeting.
- d. In the event the seat of a Commissioner vacating their seat prior to the expiration of his/her term, the remaining members of the Commission are to appoint a resident to serve on the Commission until the next election.

Rule 13. Line of Succession.

- a. The Commission is required to establish a line of succession. This includes the naming of a Deputy Mayor and identification of the line of succession after the Deputy Mayor.
- b. Annually, at the first meeting in April, the Commission will approve a line of succession. The Town Clerk will provide the Mayor and each Commissioner a ballot at the meeting. At the designated time, the Mayor and Commissioners will identify their preferred line of succession on the ballot. The ballots will then be collected by the Town Clerk who will tabulate the scores based on the scoring outlined in Rule 13(d) of this resolution
- c. Should the Mayor vacate his seat prior to the expiration of his/her term, the Deputy Mayor moves into the position of Mayor until a new Mayor is elected. At the time the Deputy Mayor takes office as Mayor, the Commission members are to establish a new line of succession with the Commissioner to be appointed to fill the vacated seat being and the end of the line of succession.
- d. Commissioners will receive 3 points for each first position vote they receive, 2 points for each second position vote they receive, 1 point for each third position vote they receive, and 0 points for each fourth position vote they receive. The points will be totaled to determine the line of succession, with the highest vote receiving member serving as the Deputy Mayor. Should a tie exist, the member tied who has the most first position votes will win the tiebreaker, if members remain tied, the member who has the most second position votes will win the tiebreaker, etc.

- e. A Commissioner may refuse to hold the position of Deputy Mayor, in which case he/she will swap positions with the second highest receiver of votes.

Rule 15. Attendance.

- a. Commissioners are required to attend all meetings of the commission.
- b. A member will be granted an excused absence from a public meeting if the absence is due to official town business.
- c. An excused absence may also be granted by the Mayor or presiding officer for family emergency, personal illness, vacation and/or work reasons. All other reasons will be determined excused or unexcused by a vote of the commission.
- d. A commissioner shall automatically forfeit their office if they fail to attend four (4) consecutive meetings of the commission, unless such absence is excused by the commission.
- e. Following four (4) excused absences by a member in a 12 month period, the presiding officer, shall require a public hearing to consider forfeiture of the subject member's seat to be conducted in accordance with section 2.05 of the Town Charter.

Rule 14. Compensation.

The Mayor and Commissioners receive no salary, but they do receive an expense allowance for normal expenses attributed to the office at the below rates.

Mayor: \$200.00/Month

Commissioners: \$150.00/Month

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA, this 17thth day of APRIL, A.D., 2018.

Mayor

ATTEST:

Town Clerk

Rules of debate.

- a. ***Questions under consideration.*** When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned. A motion to adjourn and a motion to lay on the table shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present.
- b. ***As to the presiding officer.*** The Mayor, as presiding officer, may vote on but shall not move or second an item of debate. The presiding officer, however, upon relinquishing the chair, may move or second an item, subject only to such limitations as are by these rules imposed upon all members.
- c. ***Getting the floor, improper references to be avoided.*** Every member desiring to speak for any purpose shall address the presiding officer, and upon recognition, shall be confined to the question under debate avoiding all personalities and indecorous language.
- d. ***Interruption; call to order; appeal a ruling of the chair.*** A member once recognized shall not be interrupted when speaking unless it is a call to order or as herein otherwise provided. If a member be called to order, the member shall cease speaking until the question of order is determined by the presiding officer, and if in order, the member shall be permitted to proceed. Any member may appeal to the town commission from the decision of the presiding officer upon a question of order when, without debate, the presiding officer shall submit to the town commission the question, "Shall the decision of the chair be sustained?" and the town commission shall decide by a majority vote.
- e. ***Consent agenda debate.*** The presiding officer shall open for public comment on any items on the consent agenda, prior to commission consideration of the consent agenda. There shall be no debate on any motion pertaining to an item on the consent agenda, however, any member of the town commission may pull an item from the consent agenda for consideration on the regular town commission agenda.
- f. ***Privilege of closing debate.*** Any town commission member (including the presiding officer) shall have the privilege of closing the debate by making a motion to that effect and provided it is affirmed by vote of a majority of the town commission present.
- g. ***Method of voting.*** After the debate is closed, and/or the motion is restated if necessary, the presiding officer shall call for a vote on the motion. Voting shall be by roll call or voice vote, or paper ballot (at the decision of the majority of the commission in certain circumstances) depending on whether the ballot is on an ordinance or resolution or motion. Ordinances require a roll call vote by calling the names of the members of the town commission in rotating order, provided that the vice-mayor shall vote next to last and the presiding officer shall cast the last vote.

The town clerk shall call the roll, tabulate the votes, and announce the results. The vote upon any resolution, motion or other matter may be by voice vote as previously noted, provided that the presiding officer or any commissioner may require a roll call to be taken upon any resolution or motion.

- h. ***Explanation of vote; conflicts of interest.*** There shall be no discussion by any town commissioner voting, and the town commissioner shall vote yes or no. Any town

commissioner, upon voting, may give a brief statement to explain his or her vote. A town commissioner shall have the privilege of filing with the clerk a written explanation of his or her vote. Any town commissioner with a conflict of interest on a particular matter shall refrain from voting or otherwise participating in the proceedings related to that matter and must leave the commission chambers until the consideration of that matter is concluded and file the proper form with the town clerk.

- i. ***Tie votes.*** Whenever action cannot be taken because the vote of the town commissioners has resulted in a tie, the status quo shall continue in effect and the proposed ordinance, resolution or motion that produced the tie vote shall be removed from the agenda without prejudice to its reintroduction on a de novo basis at a later time.
- j. ***Vote change.*** Any town commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter. In this case, the town clerk shall call back the vote and verify the outcome for the presiding officer.
- k. ***No motion or second.*** If an agenda item fails to receive a motion or second, it shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule 8.01(m).
- l. ***Reconsideration.*** An action of the town commission may be reconsidered only at the same meeting at which the action was taken, or, if not, at the next meeting thereafter a motion to reconsider may be made only by a town commissioner who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. Adoption of a motion to reconsider shall rescind the action reconsidered.
- m. ***Renewal.*** Once action is taken on a proposed ordinance or resolution neither the same matter nor its repeal or rescission may be brought before the town commission again for a twelve-month period following the said action unless application for renewal by three commissioners is first submitted to the presiding officer. Should an ordinance or resolution be proposed that raises the same previously resolved matter, or its repeal or rescission, in different or modified form during the twelve-month period, the presiding officer may declare the proposal out of order.
- n. ***Adjournment.*** A motion to adjourn shall always be in order and decided without debate.
- o. ***Suspension of the rules.*** No rule of procedure adopted by the town commission shall be suspended except by an affirmative vote of a majority of the members of the town commission present.