

# **RULES OF THE COUNCIL OF THE CITY OF JACKSONVILLE**

**As authorized by  
Section 10.101, *Ordinance Code***

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**Jason Teal, Council Secretary/Director  
Bernadette Smith, Chief of Legislative Services  
Colleen Hampsey, Chief of Council Research**

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**RULES OF THE COUNCIL  
OF THE CITY OF JACKSONVILLE**

**CHAPTER 1. ORGANIZATION OF THE COUNCIL**

**PART 1. OFFICERS AND EMPLOYEES**

**RULE 1.101 OFFICERS**

(a) Elected Officers. The elected officers of the Council shall be a President of the Council and a Vice President of the Council. These officers shall be elected as designate officers at the second regular meeting of the Council in May of each year as set forth in Rule 1.102 and shall assume office as of July 1 of each year, to serve until their successors are chosen and qualified or until the expiration of their terms as Council Members, whichever first occurs. They shall take or sign an oath, prior to assuming office, to support the Constitution of the United States and of the State of Florida and the Charter of the City, and to truly and faithfully discharge the duties of their respective offices to the best of their knowledge and ability.

(b) Appointed Officers. The appointed officers of the Council shall be those as established by Chapter 10 of the Ordinance Code.

**RULE 1.102 PRESIDENT-DESIGNATE AND VICE PRESIDENT-DESIGNATE**

(a) Election; Limitations. To provide for the orderly transition of the business of the Council, the Council shall elect a President-designate and then a Vice President-designate at the second regular meeting of the Council in May of each year, except in the year 1975 and each fourth year thereafter, when the President-designate and Vice President-designate shall be elected as provided in subrule (b). The election of these officers-designate shall not be construed or considered as an election to a full term as President or Vice President, as the case may be, until July 1 of that year nor as divesting the incumbent President and President, Pro Tempore of their respective offices, powers or duties.

(b) Election by Council Members-Elect. In the year 1975 and every fourth year thereafter, immediately after the certificate of the results of the general election by the City's Canvassing Board, the President shall call a meeting of all the Council Members-elect for the purpose of electing a President-designate and then a Vice President-designate to provide for the orderly transition of the business of the Council. The election of these officers-designate shall not be construed or considered as an election to a full term as President or Vice President, as the case may be, until July 1 of that year nor as divesting the incumbent President and Vice President of their respective offices, powers or duties.

(c) Authority of Officers-Designate and Ad Interim Standing Committees. Upon his/her election, the President-designate shall be authorized to appoint members of ad interim standing committees and designate the chair and vice chair thereof. Such officials and appointees shall be authorized to hold meetings and otherwise plan for the orderly transition of the Council's business at the commencement of the ensuing Council year on July 1. However, neither the President-designate nor the Vice President-designate nor any ad interim standing committee elected or appointed under this Rule shall have any power or authority to take any binding action on behalf of the Council or any

of their counterpart officials and appointees prior to the commencement of the ensuing July 1 Council year.

**RULE 1.103 ANNUAL DECLARATION OF LEADERSHIP INTEREST AND METHOD OF ELECTION OF OFFICERS**

(a) Annual declaration of leadership interest. Candidates for City Council offices to be filled by election pursuant to Council Rule 1.102 and 1.103 shall express their interest for Council consideration for President or Vice President for such election by filing his or her intent to be considered and any supporting material, no more than 2 pages, with the Office of the Council Secretary / Director no earlier than March 1 and no later than March 30. The Council may consider these Council Members for future leadership positions and hold noticed meetings to discuss qualifications. Council Members may hold noticed meetings to discuss qualifications but shall not pledge their endorsement to any candidate for Council leadership prior to March 10 or the first business day thereafter.

(b) Method of election of officers. The election of the President-Designate shall be held, then followed by the election of the Vice President-Designate. The officers shall be elected by signed written ballot, and a majority of the votes given shall be necessary for an election. Each signed written ballot shall be delivered to the Council Secretary, who shall read each ballot orally after all ballots have been received, and shall total and announce the results thereof. When no nominee for an office receives a majority on the first ballot, the two nominees receiving the highest number of votes shall be voted upon on a second signed written ballot, all other nominees being dropped from consideration. In the event of a tie vote for the position of second nominee, the members involved in such tie vote shall immediately be voted on separately by all Council Members voting to break the tie, with the person receiving the most votes therefrom being the second nominee.

**RULE 1.104 SERGEANT-AT-ARMS**

The President shall from time to time appoint a peace officer to be Sergeant-At-Arms of the Council. The Sergeant-At-Arms shall attend all regularly scheduled meetings of the Council, maintain order under the direction of the President or presiding officer, permit only authorized persons to be within the rail of the Council and execute the orders or directives of the Council, the President or the presiding officer.

**RULE 1.105 FLOOR LEADER**

The President shall appoint a Council Member to be floor leader for the Council, who shall serve for a term of six months and may be reappointed. The floor leader shall assist the presiding officer in the expeditious conduct of the Council's business during meetings.

**RULE 1.106 CHAPLAIN**

The President may appoint one Council Member to be Chaplain of the Council, who shall arrange to open each meeting of the Council with a prayer/invocation. The President or Chaplain may invite or designate others to provide appropriate ceremonies.

**RULE 1.107 EMPLOYEES**

(a) The employees of the Council are as defined in Chapter 10 of the Ordinance Code.

(b) Employees of the Council have the right to express their opinion on legislative issues provided that such activities are confined to public meetings when members of the general public are also allowed to address Council Members. Employees shall not engage in such activities during

working hours, without first having obtained authorized annual leave for such purpose. Furthermore, no employee of the Council shall utilize any resources of the Council, (i.e. e-mail, telephone, fax) for purposes of expressing an opinion to the Council on a legislative matter. Employees of the Council shall not accept compensation from any person or entity to represent any interest before the City Council.

## **PART 2. COUNCIL PRESIDENT AND VICE PRESIDENT**

### **RULE 1.201 LEGISLATIVE DUTIES OF PRESIDENT**

As the presiding officer of the Council, the President shall, in addition to the duties of presiding officers generally enumerated in Rule 4.202:

(a) Take the chair at every meeting precisely at the time for the meeting to begin, immediately call the Council Members to order and, on the appearance of a quorum, proceed to the business of the Council.

(b) Sign all ordinances enacted and resolutions adopted by the Council, except in cases where the President knows in advance that he/she will be authorized by the Mayor to approve a particular bill and appoints another Council Member to preside in his/her stead during the final vote thereon. In signing such documents, the President may utilize a facsimile signature, such as a rubber stamp or other method, to sign the documents as long as such facsimile signature is affixed by the President and no other person.

(c) Sign the Minutes of the Council as to all proceedings except those from which he/she was absent.

(d) Appoint all committees and designate the chair and vice-chair, and the meeting days and times thereof.

(e) Authorize the placing of items on the addendum to the agenda and order that a bill be removed from the consent agenda and either delayed to another Council meeting or re-referred to a committee.

(f) Have the right to name any Council Member to preside during any part of a meeting, whether in full Council or in Committee of the Whole.

(g) Recommend to the Council by resolution the name of a person or persons to fill a position which requires appointment by the Council.

(h) Exercise the powers granted by these Rules to the President or to the presiding officer.

### **RULE 1.202 GENERAL AUTHORITY OF PRESIDENT**

In addition to his/her duties and powers as the permanent presiding officer of the Council, the President is the chief executive and administrative officer of the Council and is responsible for the proper execution of these Rules, the orders of the Council and the ordinances of the City appertaining to the Council. The President, or his/her designee, shall advise and provide policy guidance to the Council Secretary, Director of Staff Services and Council Auditor with regard to the administration and management of their offices, employees and staff. The President shall have general control of the Council chamber and committee room and of the offices and other rooms assigned to the use of the Council whether in City Hall or elsewhere. The President shall designate the Secretary to the Council President, who shall serve at the discretion of the President.

## **RULE 1.203 DUTIES OF VICE PRESIDENT**

The Vice President shall, in the absence of temporary disability of the President or when he/she is serving as Acting Mayor with emergency powers only, preside at all meetings of the Council and exercise such administrative powers vested in the President as the President may delegate. When the President becomes Acting Mayor with full powers, or when the President is temporarily suspended as provided in Rule 1.406, the Vice President shall assume the full powers and duties of the President and shall exercise the same until the President resumes his/her powers and duties as President, or until the Council elects a new President, or until his/her term expires, whichever first occurs. At all times the Vice President shall advise and assist the President in the administrative business of the Council, and he/she may be assigned by the President responsibility for the supervision of particular administrative functions.

## **RULE 1.204 VACANCIES**

(a) President. Whenever the President dies, resigns, is removed from the office of Council Member, becomes permanently disabled or assumes the office of Mayor because of a vacancy in that office, there shall be a vacancy in the office of President. The Vice President shall become Acting President until the President resumes his/her duties or until the President's successor is elected and qualified as provided in Rule 1.101.

(b) Vice President. Whenever the Vice President dies, resigns, is removed from the office of Council Member, becomes permanently disabled or assumes the office of President because of a vacancy in that office, there shall be a vacancy in the office of Vice President. The Chair of the Rules Committee shall become Acting Vice President until the Vice President resumes his/her duties or until the Vice President's successor is elected and qualified as provided in Rule 1.101.

(c) In the event the Chair of the Rules Committee is unable or unwilling to assume the duties as outlined in (b) above, the Chair of the Finance Committee shall become Acting Vice President until the Vice President resumes his/her duties or until the Vice President's successor is elected and qualified as provided in Rule 1.101.

## **PART 3. MEMBERS OF COUNCIL**

### **RULE 1.301 COUNCIL MEMBERS SUBJECT TO STANDARDS OF CONDUCT**

Each Council Member is subject to the standards of conduct set out in Section 112.3143, Florida Statutes. By personal example and by admonition to colleagues whose behavior may threaten the honor of the Council, each Council Member shall watchfully guard the responsibility of his/her office.

### **RULE 1.302 OFFICES**

Each Council Member shall be provided with an office in City Hall, which shall be his/her official mailing address for correspondence, notices not required to be personally delivered and other official business.

### **RULE 1.303 CORRESPONDENCE**

All correspondence by a Council Member in his/her official capacity shall be prepared on official Council letterhead bearing the Council Member's name and constituency. Official

correspondence will not be prepared on unofficial letterhead or on plain paper, and official letterhead shall not be used for the personal correspondence of any Council Member.

#### **RULE 1.304 TRAVEL AND EXPENSES**

Reimbursement for travel expenses for Council Members is governed by the provisions contained in Section 106.701 of the Ordinance Code. No expense shall be incurred until the travel is approved by the Council President. The Council President's travel shall not require approval but shall be documented as any other Council Member. Any request for permission to travel must be in writing on a form established by the Chief Council Administrator and shall contain a brief explanation of the purpose of the travel. No Council Member other than the Council President shall incur, in any fiscal year, travel expenses greater than \$3,000; except that such limitation shall not apply to any travel undertaken on a special assignment at the direction of the Council President. Approved travel by a designated Council Member to League of Cities or Association of Counties conferences shall be reimbursed from budgeted funds pursuant to §10.109, *Ordinance Code*.

#### **RULE 1.305 TRAVEL REPORTS**

Whenever a Council Member travels and those travel expenses are paid or reimbursed by the City, the Council Member who travels and is to be reimbursed shall submit to the Director of Staff Services, on a form developed by the Director, a written report regarding the travel for distribution to all Council Members. The travel report shall include, but not be limited to, the purpose of the travel as it relates to the betterment of the City; the person(s) or group(s) met with; any observations or conclusions made; and the knowledge gained which would enable the Council Member and the Council to better govern the City.

#### **RULE 1.306 DESIGNATED LEAGUE OF CITIES AND ASSOCIATION OF COUNTIES COUNCIL MEMBER APPOINTMENTS**

In order for the City of Jacksonville to fully participate and benefit from the League of Cities and Association of Counties memberships, Council Membership shall be comprised of four different Council Members. Although designated members can be replaced if not actively participating, as determined by the Council President, it should be understood that City Council business shall be their primary activity. League of Cities and Association of Counties City Council Member appointments shall be designated as follows:

(a) The Council President shall appoint, subject to City Council confirmation, two Council Members to attend the League of Cities meetings.

(1) These Council Members shall be the designated League of Cities Council Members.

(2) One Council Member shall be a second term Council Member, preferably a prior designated League of Cities Council Member, and one Council Member shall be a first term Council Member.

(3) The term of the appointments shall run concurrently with the term of the Council Members elected term of office and shall be for a term of four years or, if less than four years, the remaining number of years of the elected Council Member's term.

(4) The Council President shall establish the manner in which the designated Council Members shall request and have travel approved to the League of Cities meetings, both within

Florida and nationally, taking into account budget, public purpose and benefit to the City of Jacksonville.

(b) The Council President shall appoint, subject to City Council confirmation, two Council Members to attend the Association of Counties meetings.

(1) These Council Members shall be the designated Association of Counties Council Members.

(2) One Council Member shall be a second term Council Member, preferably a prior designated Association of Counties Council Member, and one Council Member shall be a first term Council Member.

(3) The term of the appointments shall run concurrently with the term of the Council Members elected term of office and shall be for a term of four years or, if less than four years, the remaining number of years of the elected Council Member's term.

(4) The Council President shall establish the manner in which the designated Council Members shall request and have travel approved to the Association of Counties meetings, both within Florida and nationally, taking into account budget, public purpose and benefit to the City of Jacksonville.

#### **PART 4. REMOVAL OF PRESIDENT AND VICE PRESIDENT**

##### **RULE 1.401 OFFICERS SUBJECT TO REMOVAL FOR CAUSE**

The President and Vice President are subject to removal from their respective offices for cause shown to the Council. For the purposes of this Part, "cause" includes malfeasance, misfeasance, neglect of duty, conduct unbecoming an officer of the Council, disorderly conduct amounting to a breach of the peace, incompetence, inability to perform the official duties of the office or commission of a felony.

##### **RULE 1.402 DEMAND FOR REMOVAL FROM OFFICE**

A majority of the Council Members then in office may demand that the Council remove the President or Vice President from office, by filing with the Council Secretary a written demand signed by the Council Members making the same. The demand shall state each cause for which the Council should remove the officer against whom the demand is lodged, and the charges and specifications alleging the facts and circumstances surrounding and involved in the demand. After the demand is filed, a Council Member may not remove his/her signature therefrom.

##### **RULE 1.403 PROCEDURES NOT TO BE INTERRUPTED OR DISPENSED WITH**

Once the demand is filed with the Council Secretary, it may not be withdrawn or otherwise disposed of except as provided in this Part, and the procedures provided in this Part shall not be interrupted or dispensed with until they are completed as provided in this Part. This requirement shall not be construed to interfere with, suspend or set aside any other business of the Council, except to the extent necessary to complete these procedures in the manner prescribed in this Part. If, at any time after the demand is filed and before the hearing on the charges concludes, the officer against whom the demand is lodged resigns from the office of President or Vice President, as the case may be, it shall be in order at any meeting thereafter to move that further proceedings under this Part be

dispensed with and, if said motion is adopted by the Council, the demand and, if there has been one, the formal charge shall be deemed to have been withdrawn.

**RULE 1.404 REFERRAL TO AND REPORT BY RULES COMMITTEE; RESOLUTION SETTING HEARING; CITATION**

(a) Referral to and Report by Rules Committee. When the demand is filed with the Council Secretary, it shall be automatically referred to the Rules Committee for a determination as to whether probable cause exists for the Council to conduct a hearing on the charges and specifications contained in the demand. When the demand is so referred, the President shall have no power to appoint or remove members of the Rules Committee nor to designate another chair or vice chair until the Rules Committee has filed its report on the demand. The Rules Committee shall meet within twenty-four hours after the Council Secretary notifies the chair that demand has been filed to begin making this determination, and it shall file its report on the results of the investigation within seven days. The Rules Committee, during its investigation, may amend or restate the charges to conform to the requirement of Rule 1.401 and the evidence it obtains. The report of the Rules Committee shall be (1) that no probable cause exists for the Council to conduct a hearing and that the officer against whom the demand is lodged not be charged or (2) that probable cause exists for the Council to conduct a hearing and that the officer against whom the demand is lodged be charged.

(b) Resolution Setting Hearing. If the Rules Committee reports that probable cause exists, the report shall be accompanied by a resolution (1) setting a time and date for a hearing on the charges to commence and (2) instructing the Council Secretary to cite the officer being charged to appear before the Council at the hearing to answer the charges. The causes, charges and specifications contained in the demand, as they may have been amended or restated by the Rules Committee, shall be embodied in a formal charge appended to the resolution as a part thereof. The report and, if one is filed, the resolution shall be placed on the agenda of the next Council meeting following its filing.

(c) Citation Prepared. If the Council adopts the resolution mentioned in subrule (b), the Council Secretary shall prepare a citation to the officer charged, substantially in the following form:

CITATION

COUNCIL OF THE CITY OF JACKSONVILLE:

TO: (name and title of officer being charged)

You are hereby notified that a demand has been filed before the Council that you be removed from the office of \_\_\_\_\_; and that the Council has adopted a resolution to which are attached the charges that have been preferred against you, a true copy of which is attached hereto. You are hereby required to file your written defenses thereto or denials thereof within twenty days after service hereof upon you, exclusive of the day of service, and to appear before the Council on date set by resolution at time set by resolution, in the Council Chamber, 1st Floor, City Hall, Jacksonville, Florida and then and there answer the charge made against you. If you fail to do so, the Council may summarily remove you from the office of \_\_\_\_\_ upon the charge and for cause.

Witness my hand and the seal of the City of Jacksonville, Florida on \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

#### **RULE 1.405 SETTING OF HEARING TO TRY FORMAL CHARGE**

In the resolution mentioned in Rule 1.404(b), the Council shall set a time and date for the commencement of a hearing to try the formal charge made against the President or Vice President, as the case may be. The date for the hearing to begin shall be not less than thirty nor more than sixty days after the date on which the resolution is adopted, and the resolution shall provide that the Council may adjourn the hearing from time to time until the proceedings involved therein are completed. The resolution shall constitute a call for, and the hearing shall constitute, a special meeting of the Council.

#### **RULE 1.406 EFFECT OF ADOPTION OF RESOLUTION**

The effect of the adoption by the Council of the resolution mentioned in Rule 1.404(b) shall be immediately to suspend the President or Vice President, as the case may be, hereafter referred to as the officer charged, temporarily in the exercise of the powers and duties of his/her office. The officer charged shall not be deprived of his/her rights as a Council Member nor suspended from his/her seat in the Council.

#### **RULE 1.407 ELECTION OF MANAGERS; ASSIGNMENT OF COUNSEL**

At the same meeting at which the resolution mentioned in Rule 1.404(b) is adopted, the Council shall elect five Council Members to act as managers in the conduct of the trial of the formal charge at the hearing thereon. In the election of the managers, the Council Secretary shall distribute to each Council Member present (except the officer charged, if he/she is present), a ballot containing the names of all the Council Members (except the officer charged, if he/she is present); each Council Member shall vote for five Council Members (which may include himself/herself), sign the ballot and return the same to the Council Secretary, who shall open all of the ballots and announce the number of votes for each Council Member; and those five Council Members receiving the largest number of votes cast shall be elected. These managers together shall constitute a select committee of the Council, with such powers as may be granted by the Council at the time of its election to prepare for the hearing, including the power to issue subpoenas or subpoenas duces tecum. The General Counsel shall assist the managers and may assign one or more Assistant General Counsel to serve as trial counsel at the hearing on behalf of the managers.

#### **RULE 1.408 SERVICE OF CITATION**

When he/she has prepared the citation, the Council Secretary shall deliver it to the Sergeant-At-Arms, who shall serve the citation upon the officer charged and cited therein in the same manner as provided by law for the service of civil process. The Sergeant-At-Arms shall make his/her return to the Council Secretary. A true copy of the citation, of the formal charge and of the resolution mentioned in Rule 1.404(b) shall be left with the officer charged. The Sergeant-At-Arms shall attempt service of the citation as often as may be necessary to effect proper service under this Rule; provided, that service by means of telephonic communication shall not be sufficient.

#### **RULE 1.409 RIGHTS OF OFFICER CHARGED**

At all times, the officer charged shall have the following rights:

- (a) To be notified, by means of the formal charge, of the charges and specifications against him/her and the cause for which he/she is proposed to be removed.
- (b) To have the assistance of and to be represented by legal counsel of his/her own choosing.

(c) To have access to compulsory process issued in the name of the Council for the attendance of witnesses and production of books, papers, documents and other things at the hearing or at a deposition taken pursuant to Rule 1.412(b).

(d) To confront those persons who appear as witnesses against him/her and to have the opportunity to cross-examine them.

(e) To be heard in his/her own behalf at the hearing and present testimony and evidence in his/her favor, including depositions taken pursuant to Rule 1.412(b).

#### **RULE 1.410 FILING WRITTEN DEFENSES AND OTHER PAPERS**

(a) **Written Defenses.** Within twenty days after he/she is served with the citation, exclusive of the day service, the officer charged shall file his/her written defenses, if any, to the formal charge preferred by the Council and to the charges and specifications therein contained. A defense shall be asserted to each charge and specification, if thereby any defense the officer charged intends to raise; but he/she is not required to assert a defense to any of the charges or specifications. If he/she is without knowledge, he/she shall so state and this statement shall operate as a denial. Defenses may be combined with denials in the same paper, and they may be in the alternative as to any charge or specification. Matters in mitigation of a charge or specification are not defenses and may not be raised or asserted at this stage in the proceedings.

(b) **Written Denials.** Within twenty days after he/she is served with a citation, exclusive of the day of service, the officer charged shall file his/her written denials, if any, of the formal charge preferred by the Council and of the charged and specifications therein contained. Denials shall fairly meet the substance of the charges and specifications denied, and shall be specific denials of designated charges and specifications or a general denial of all charges and specifications. If the officer charged intends to admit any or all of the charges and specifications, he/she shall specify so much of the charged and specifications as are true and shall deny the remainder.

(c) **Requests for Subpoenas or Subpoenas Duces Tecum.** If the officer charged has need of compulsory process to assist his/her defense to the formal charge, he/she may file a request for subpoena or subpoenas and, if books, papers or other physical evidence are to be produced, a specific description or enumeration of the things to be produced, and the time and place where the subpoena is returnable.

(d) **Other Papers.** Other than written defenses, written denials and requests for subpoena or subpoenas duces tecum, no other papers or documents (except evidence filed as a result of a response to a subpoena duces tecum) shall be filed by the officer charged with the Council Secretary before the hearing. However, when testimony is taken before the hearing under Rule 1.412(b), the transcript and any accompanying exhibits may be filed by the officer charged without leave of the Council being necessary.

(e) **Amended Papers.** An amendment may be filed to correct an error in the original paper or in a previous amendment or to set forth transactions, occurrences or events which have happened or come to the attention of the officer charged since the original paper or previous amendment was filed. The officer charged may amend his/her written defense or written denial once a matter of course before the hearing. Otherwise, an amendment may be filed only with the leave of the Council; provided, that the amendment shall be filed as soon as the necessity therefor arises, but it shall be considered a part of the official record of the proceedings until allowed by the Council.

#### **RULE 1.411 MANAGERS TO PREPARE FOR TRIAL OF FORMAL CHARGE**

The managers elected by the Council shall prepare for the trial of the formal charge in the same manner as would any other committee having the same powers as have been granted by the Council to the Managers. The first meeting of the managers shall be held not later than six days after their election, and at said meeting they shall elect one of their members as chair and one as vice chair and otherwise organize to do business. The managers shall be bound by the charges and specifications contained in the formal charge and their investigation may not extend beyond the ambit of the formal charge.

#### **RULE 1.412 DISCOVERY; PERPETUATION OF TESTIMONY**

(a) Discovery. Since all meetings of the managers are public meetings and all information gathered by them is a matter of public record, discovery procedures shall not be permitted. Except as provided in subrule (b), the use of depositions, written interrogations, physical and mental examinations and requests for admission, production of documents and things and entry upon for inspection and other purposes by either the managers or the officer charged prior to the hearing is prohibited.

(b) Perpetuation of Testimony. If either the managers or the officer desires to perpetuate the testimony of any person about any matter involved in the formal charge and it is urgent to take such testimony because the person is bound on a voyage at sea, or is about to go out of the City, or is old and infirm, a deposition may be taken and filed with the Council Secretary for use at the hearing. Reasonable notice shall be given by the party proposing to take the deposition to the other party, which notice shall state the name of the witness, the time and place of his/her deposition, the name of the officer taking the deposition and the reason for taking the deposition; a copy of this notice shall be filed with the Council Secretary. A person may be compelled to appear and testify as provided in this subrule in the same manner as witnesses may be compelled to appear and testify before the Council or Committee. At the taking of the deposition, the witness may be required to respond by oral examination or upon written questions. Objections offered at the taking of the deposition to the taking itself, to the reason therefor or to any question or response shall be noted in the transcript of the proceedings. And the deposition shall be filed subject to disposition by the Council of the objections noted, which deposition may include striking a portion of the testimony or exclusion of the entire deposition from the official record. The taking of a deposition to perpetuate testimony will not preclude testimony by the witness at the hearing, but the deposition may be used to contradict or impeach the witness at the hearing.

#### **RULE 1.413 REPORT OF MANAGERS**

If, during the course of their preparation for the hearing, the managers conclude that insufficient evidence exists to prove any particular charge or specification, they may recommend that charge or specification be dismissed by the Council before the trial begins. In any event, the managers shall file a report, as provided in Rule 2.204, reporting on their preparations and making such recommendations to expedite the conduct of the trial as they deem necessary.

#### **RULE 1.414 HEARING PROCEDURE**

(a) Convening of Council; Presiding Officer; Committee as Whole. At the time set by the resolution mentioned in Rule 1.404(b) for the hearing to begin, the Council shall convene in special meeting. If the officer charged is the President, the Vice President, or in his/her absence, the Rules Committee Chair shall preside; if the charged is the Vice President, the President or, in his/her absence, the Rules Committee Chair shall preside; and if both President and Vice President are charged, the Rules Committee Chair, or in his/her absence another presiding officer elected by the Council Members present shall preside. As soon as the Council is organized to do business, it shall hear the report of the managers and dispose of the recommendations therein made; if a

recommendation to dismiss any portion of the formal charge is accepted, that portion shall be omitted from the formal charge and no evidence shall be heard or presented thereon. Thereafter, the Council shall resolve itself into a Committee of the Whole and proceed as provided in subrules (b) and (c) and in accordance with Rule 2.205, except that the presiding officer herein named shall continue to preside over the Committee.

(b) Trial of Formal Charge. As soon as the Council has resolved itself into a Committee of the Whole, the trial of the formal charge shall begin. The order of business during the trial shall be as follows:

1. Reading of the formal charge (as amended, if any portion dismissed).
2. Arraignment of the officer charged.
3. Opening statement by managers.
4. Opening statement by officer charged (may be deferred until case-in-chief).
5. Case-in-Chief by officer charged.
6. Opening statement by officer charged (if deferred).
7. Case-in-Chief by officer charged.
8. Closing arguments by managers.
9. Closing arguments by officer charged.
10. Matters in mitigation by officer charged.
11. Instructions of law to Council Members.

(c) Conduct of Trial. Once the formal charge is read, the trial shall continue without interruption, except for recesses or adjournments from day to day, until a decision has been reached by the Council either removing the officer charged or dismissing the formal charge in toto. It shall always be in order during the presentation of the case-in-chief by the managers or by the officer charged for a Council Member to question a witness by means of written questions submitted to the presiding officer and asked by him/her; but debate of the merits of the formal charge by Council Members with witnesses or among themselves during the trial is not in order. All witnesses shall testify under oath or affirmation and the proceedings shall be reported verbatim. The technical rules of evidence shall be used to prevent or restrict the admission of evidence having probative value, but each charge and specification shall be proved by a preponderance of the evidence. The presiding officer may order the order that no pictures, radio transmissions or photographs be allowed in or of the Council chamber during the trial.

#### **RULE 1.415 FAILURE OF OFFICER CHARGED TO ANSWER FORMAL CHARGE OR TO ATTEND HEARING**

If the officer charged shall fail or refuse to answer to the formal charge at the hearing, or to attend the hearing without sufficient excuse for his/her attendance, he/she shall be presumed to have denied each and all of the charged and specifications. The presiding officer shall recite the facts into the record and order that the denial be made a part of the proceedings, and the hearing shall proceed as if the officer charged were present but mute. If the officer charged has timely filed a written defense or a written denial, the matters admitted as being true by the officer charged shall be deemed to have been proved and the presumption of denial herein shall extend only to those matters not admitted as being true or that have been specifically denied.

#### **RULE 1.416 DEBATE UPON FORMAL CHARGE; REPORT BY COMMITTEE OF WHOLE**

At the conclusion of the trial of the formal charge, the Council shall consider what report shall be made by the Committee of the Whole, based upon the testimony and evidence adduced at the hearing, any depositions not excluded by the Council, the written defenses and denials filed by the officer charged and any matters in mitigation offered by the officer charged. Upon the conclusion of

the deliberations of the Committee of the Whole, it shall rise to report its conclusions to the Council. If the report of the Committee is that the officer charged be removed from office, it shall be accompanied by a resolution reciting the findings and conclusions of the Council and removing the officer charged from his/her office for the cause or causes stated therein. This resolution may also dismiss any charge or specification which, in the opinion of the Committee, is not supported by the evidence. If the report of the Committee is that the formal charge be dismissed in toto, it shall be accompanied by a resolution reciting the findings and conclusions of the Council, dismissing the formal charge and all of the charges and specifications therein contained and reinstating the officer charged to the full exercise of the powers and duties of the office from which he/she was suspended pursuant to Rule 1.406.

#### **RULE 1.417 PRESENTATION OF REPORT AND INTRODUCTION OF RESOLUTION**

The effect of presentation of the report of the Committee of the Whole shall be to introduce the accompanying resolution in the name of the Committee. It shall be in order thereafter to move that the resolution be adopted as an emergency measure, in accordance with the procedures contained in Part 9 of Chapter 4 of these Rules; provided, that the Council shall adopt a resolution removing the officer charged only by two-thirds of the Council Members then in office.

#### **RULE 1.418 EFFECT OF ADOPTION OF RESOLUTION**

(a) Removing the officer charged shall be to remove him/her from the office of President or Vice President, as the case may be, and to disqualify him/her from election to that same office for the remainder of the current term, and to create a vacancy in the office, to be filled as provided by Rule 1.204.

(b) Dismissing the formal charge in toto, shall be to dismiss the formal charge and each of the charges and specifications therein contained and the reinstate the officer charged to the full exercise of the powers and duties of the office of the President or Vice President, as the case may be.

## CHAPTER 2. COMMITTEES

### PART 1. GENERAL RULES

#### RULE 2.101 APPOINTMENT OF COMMITTEES

Each President Elect shall, by written directive, prior to July 1<sup>st</sup> of each year, establish the title and duties, and appoint the membership of the standing committees that will conduct the Council's business for the forthcoming July 1<sup>st</sup> – June 30<sup>th</sup> year. Said directive shall be immediately posted where Council notices are normally posted, and its contents included on the Council's website. The membership of the standing committees shall consist of not less than seven nor more than nine members. The Council President shall also appoint the members of such special and select committees as he/she may deem necessary or as the Council may create. The President shall designate the chair and vice-chair of each committee. All appointments to standing committees shall be made for the term of the President making the appointment, and all appointments to special and select committees shall be made for the greater of the term of the committee or the term of the President. The Council President shall appoint every Council Member to at least one standing committee. If a Council Member is appointed to more than two standing committees, the Council Member may request that he/she be removed from any committees over 2 on which he/she is serving; in this case, the President shall accept the request and appoint another Council Member in his/her place. The President may also appoint a Council Member to temporarily replace a Council Member on a committee when that Council Member may not be able to attend to Council business due to any personal or business reason.

#### RULE 2.102 STANDING COMMITTEE DUTIES

(a) In establishing standing committees, the President-Elect shall, in his/her discretion, ensure that the following matters are referred or delegated, in no particular order, to the standing committees:

(1) **Land Use and Zoning Committee.** The Land Use and Zoning Committee shall consider land use and zoning matters, including zoning; preservation; conservation; building codes; urban renewal; real estate; land use; land, water and wetlands preservation; water supply issues; comprehensive planning; strategic planning; current planning; vacation of plats; growth management, monitoring and implementation of state statutes regarding same; fair share assessment extensions; Planning and Development Department; appeals from Planning Commission decisions; transportation concurrency and mobility; school concurrency; actively participate in amending and updated Jacksonville's Comprehensive Plan, including reviewing all text amendments and Future Land Use Map Amendments to the comprehensive plan; and all related subjects.

(2) **Finance Committee.** The Finance Committee shall consider financial matters, including appropriations; budgets; budgetary transfers; taxes; fees; franchises; bonds; fiscal and investment policies; economic development investment incentives and related contracts, agreements and appropriations; licensing; personnel; pensions; leases; Finance and Administration Department; Procurement Division; Office of Economic Development; JEA financial issues; auditing; performance measurement and benchmarking; audits of the City and Independent Agencies; selection and retention of the auditor to perform the annual independent audit required by Section 5.11, Jacksonville Charter; TRUE Commission reports; international trade; legislation containing waivers or invoking an exception; conveyance of City property; collections of code enforcement and other fines and fees; and all related subjects.

(3) **Transportation, Energy and Utilities Committee.** The Transportation, Energy and Utilities Committee shall consider matters relating to roads and streets; concurrency; mobility fees and mobility plan; Context Sensitive Streets; transportation; transportation planning; multimodal transportation issues; intelligent transportation systems (ITS); North Florida TPO; railroads; deregulation of utilities; ambulances; towing; vehicles for hire; transit; public utilities or utility-related services; JEA (water and sewer operations, chilled water operations, water supply planning, water re-use; sewer line extensions, and other non-budgetary issues, power generation and distribution); Public Works Department; refuse collection; environmental services; public parking; Stormwater Utility and drainage matters; Septic Tank regulations and phase-outs; Environmental Quality Division; Environmental Protection Board; landfills; Jacksonville Transportation Authority; Jacksonville Aviation Authority; Jacksonville Port Authority; and all related matters.

(4) **Neighborhoods, Community Services, Public Health and Safety Committee.** The Neighborhoods, Community Services, Public Health and Safety Committee shall consider matters relating to parks, recreation; public housing; affordable housing; farms; forestry; fish and game; zoo; Sister Cities program; Jacksonville Public Library; Parks, Recreation and Community Services Department; Special Events; Duval County Extension Office; Jacksonville Housing and Community Development Commission; Jacksonville Housing Authority; ad valorem property tax exemptions; historic preservation; community revitalization; Waterways Commission; vessels for hire; Urban Services Districts; the Neighborhoods Department; education and schools; Duval County School Board; literacy issues; higher education institutions and issues; veterans' issues; Kids Hope Alliance; child services; service quality improvement and public satisfaction with government services; hospitals; Health Department; public health, international travel, wellness; mental health; addiction; human services; homelessness; public assistance; Public Service Grants, public safety; safety hazards and dangerous infrastructure; motor vehicle inspections; collections of code enforcement and other fines and fees; crime and crime prevention; victim services; Sheriff's Office; police-community relations; Fire and Rescue Department; emergency preparedness and civil defenses; military bases; personnel and affairs; base realignment and closure (BRAC) issues; conveyance of City property; reversion of tax deed property; and all related subjects.

(5) **Rules Committee.** The Rules Committee shall consider matters relating to confirmation of nominations by the Council, Mayor and Sheriff; City Council rules; State laws; executive communications; resolutions; memorials; calendar; agenda; charter revision; governmental reorganization; City Council and School Board redistricting; elections; courts; consumer affairs; "J-Bills" and legislation before the Florida Legislature; advanced communication and technology use and "e-government"; Boards and Commission structures and all related subjects; legislation containing waivers or invoking an exception; and all unclassified subjects.

(b) All introduced ordinances, and those ordinances amended or substituted in committee or on the Council floor, which waive or provide for or invoke an exception to any provision of the Ordinance Code, or any ordinance, or other policy, procedure, or covenant, shall be referred to, and/or heard in, in addition to the committees set forth above, such committees as are responsible for (1) auditing and performance measurement, and (2) calendar, agenda, rules and laws.

## **RULE 2.103 SPECIAL AND SELECT COMMITTEES**

(a) **Special Committees.** A special committee is an *ad hoc* committee appointed or created to give particular and exclusive attention to a single subject matter which would usually be referred to a standing committee but which, because of its technical nature or importance to the City, requires concentrated study. Unless otherwise directed by the President or the Council, a special committee shall have an unlimited period of time within which to study the matter and make its recommendations to the Council. The business of a special committee takes precedence over the regular business of a standing committee. All special committees shall expire with the term of the appointing President.

(b) Select Committees. A select committee is an *ad hoc* committee appointed to give immediate and exclusive attention to a single subject matter which is not usually part of the Council's business, although within its legislative jurisdiction. A select committee also shall be appointed or created to represent the Council in joint undertakings or studies with other legislative or quasi-legislative bodies. Unless extended by order of the President or the Council, a select committee shall have sixty days from the date of its appointment or creation within which to study the matter and make its recommendations to the Council; provided, that the select committee appointed by the President pursuant to Section 29.07 of the Charter shall have from the date of its appointment until July 1 next following within which to conduct the independent agency review required by Article 29 of the Charter and make its recommendations to the Council. The business of a select committee takes precedence over all other business of the Council, except meetings of the Council.

#### **RULE 2.104 SUBCOMMITTEES**

The chair of a standing or special committee may appoint one or more subcommittees, consisting of one or more each, to study individual bills or particular matters within the committee's jurisdiction. To the extent possible, subcommittees shall follow the same rules as are prescribed for committees, and shall report to the committee of which it is a part as soon as it has finished its work. Subcommittees may conduct hearings, but may not interrogate witnesses under oath nor issue subpoenas. The business of a subcommittee is subordinate to the business of the committee of which it is a part.

#### **RULE 2.105 COMMITTEE OF THE WHOLE**

In all cases the Council may resolve itself into a Committee of the Whole, and in such event the President shall leave the chair after appointing a chair to preside, who shall have all the powers and duties of a presiding officer. Bills and other matters referred to a Committee of the Whole shall be considered under the rules of procedure prescribed for committees of the Council, and shall be reported in the same manner as reports of standing committees. After report, the bill or other matter may again be debated and amended. The quorum for a Committee of the Whole shall be fourteen, and when the Committee of the Whole rises, the roll shall be called to ascertain the presence of a quorum of the Council. No bill may be considered by a Committee of the Whole except by a two-thirds vote, unless the same has first been considered and reported by the appropriate standing committee or committees; and the effect of referring a bill to the Committee of the Whole by a two-thirds vote shall be to discharge any standing, special or select committee to which the bill may have been referred from further consideration thereof, whether or not such committee may have reported said bill.

### **PART 2. COMMITTEE PROCEDURE**

#### **RULE 2.201 MEETINGS**

(a) Standing Committees. The standing committees shall have regular meetings during the first and third weeks of every month for the transaction of committee business, except for the first week in July and the third week in December; and except for any committee scheduled to meet quarterly, or as often as the Chair at his or her discretion desires. The Council President shall provide the Council Secretary with the time and place of regular meetings, and the Chief of Legislative Services shall publish the same by posting a schedule of standing committee regular meetings in the Legislative Services Division. Providing, however, regular meetings of the committee responsible for land use and zoning issues shall start no earlier than 4:00 P.M. on the day selected for such regular meetings, and further provided that public hearings scheduled to be held during such regular meetings shall start no earlier than 5:00 P.M. Such posting shall constitute continuing notice of such meetings, and no

further notice of regular meetings shall be necessary unless the scheduled time and place is changed, when notice of said change shall be published in like manner. A schedule of regular meetings, and changes therein, shall be provided to each Council Member. Whenever a City-observed holiday falls on a Monday during the regular committee meeting week, all regularly scheduled standing committee meetings scheduled for that week shall be held twenty-four hours later. Further providing, however, the committee of reference which reviews financial matters shall, in addition to the times set forth herein, meet to review one-read resolutions regarding economic development investment incentives and related contracts, agreements and appropriations, on the second and fourth Monday of each month (prior to the Council meeting during the Council weeks as established in Rule 4.102), following the week within which legislation has been filed pursuant to Rule 3.901.

(b) Special and Select Committees. Special and Select Committees shall meet at such times and places as may be necessary to conduct their business. If the business of any special or select committee is such that regular meetings are required or become necessary, the chair shall set a schedule of meetings, with the approval of the President, and provide the same to the Council Secretary, who shall post the same, and approved changes therein, in the same manner as provided in subrule (a) for standing committees. Otherwise, notice of meetings of special and select committees shall be given as provided in subrule (c).

(c) Special Meetings. Notice of the time and place and matters to be considered at any special meeting of a standing committee or, except as provided in subrule (b), at a meeting of a special or select committee shall be given to all Council Members, which notice shall be written, approved by the committee chair and served not less than twenty-four hours before the time of such committee meeting. The Chief of Legislative Services shall post a copy of such notice in the Legislative Services Division. In extraordinary circumstances, as determined by the President, subject to the appeal of the Council, the President may recess a Council Meeting and call any committee to order.

## **RULE 2.202 ATTENDANCE; VOTING**

(a) Attendance. Each Council Member shall attend every regular or special meeting of each standing, special or select committee to which he/she is appointed, unless excused by the committee chair following the submission of a written request from the Council Member. No more than one Council Member may be excused from a regular meeting of a standing committee with the exception that additional absences may be authorized for a medical reason for either the Council Member or a relative of the Council Member. For the purposes of this Rule, a "relative" shall be as defined in Section 112.3143, *Florida Statutes*. In addition, any member who is ordered into military service pursuant to state or federal law, and who provides notice to the Council Secretary or the Chief of Legislative Services upon receiving such order, shall be excused from all meetings during the period of such military service and shall not be required to provide any additional notice of absence. Failure to attend three regular meetings of a standing committee or three consecutive meetings of a special or select committee without the approval of the committee chair during a given Council year shall constitute automatic withdrawal from the committee and create a vacancy, which shall be filled by appointment by the President or Vice President (when acting in an *ex officio* capacity) Every Council Member may attend any meeting of any committee of which he/she is not a member and there participate in interviewing of witnesses and offer his/her comments and observations, but he/she may not vote on any question, except the President as provided in Rule 2.211. At the outset of each Council year, each committee chair shall announce how he/she intends to address absences and excusals in accordance herewith.

(b) Voting. Each member of a committee present shall vote on every question, unless precluded by direct personal interest in the outcome of the vote.

## **RULE 2.203 CONSIDERATION OF REFERRED MATTERS**

All committees shall report every subject referred to them and shall dispatch as expeditiously as reasonably possible and proper the public business assigned to them. It shall be the duty of the committee chair to insure that the committee's business is promptly and properly considered, and that meetings of the committee and its subcommittees are held as scheduled or called and the business thereof adequately disposed of. All matters referred to a committee for investigation, which are not in the form of a bill, shall be reported from the committee by bill unless the investigation reveals that no legislation is necessary, when a full report of the committee's findings shall be filed.

## **RULE 2.204 COMMITTEE REPORTS; RECOMMENDATION FOR SECOND READING AND RE-REFERENCE**

It shall be the duty of each committee to "report" a recommendation for all bills referred to them. A bill in committee may be moved "approval" (with or without an amendment or substitute) or "withdrawal." A majority of the membership of the committee shall be required to vote in favor of one of these motions to report a bill out of committee, except that a motion for approval of a bill that fails with at least a majority of the membership voting against it shall be reported as a denial. The committee's report shall constitute a recommendation for Council action on the bill. A bill shall never be reported "without recommendation". Each report of a committee shall be taken by the electronic roll-call system or in writing, signed by the committee members making the report. Each report shall contain the action of the committee on the bill being transmitted, together with the time and place of the meeting at which the action was taken and the vote of each committee member on the motion to report the bill. A committee may recommend that a bill be read for the second or subsequent time by the Council and then re-referred to the committee for further consideration: such a recommendation shall not constitute a report, and shall not be subject to the voting and filing requirements applicable to a report and shall be accomplished by reading the file number of the bill at the committee meeting. Furthermore, a committee may recommend that a bill be amended or substituted by the Council and then re-referred to the committee for further consideration; such a recommendation shall constitute a report, and shall be subject to the voting and filing requirements applicable to a report.

## **RULE 2.205 TIME FOR CONSIDERATION; DISCHARGE OF COMMITTEE**

A committee shall strive to report every bill referred to it no later than the third regular meeting of the Council following such reference or at such time as may be separately recommended by the President. A bill may be discharged from a committee and placed on the agenda of the Council either by the President, or by the Council by a two-thirds vote of the Council Members present at a regular meeting of the Council.

## **RULE 2.206 COMMITTEE SUBSTITUTES**

A committee, in reporting a bill, may draft a new bill embracing the same general subject matter ("substitute") and recommend to the Council that the substitute be considered in lieu of the original bill or a previously substituted bill; or may adopt a substitute bill proposed by another committee of reference and concur in that committee's recommendation that the substitute be considered in lieu of the original bill or a previously substituted bill. When the original bill (or previously substituted bill) is reached on the agenda, consideration of the proposed substitute shall take precedence, and shall be moved for consideration in lieu of the current bill, and to the extent practicable, be adopted or rejected prior to the consideration of any further amendments. If adopted, the substitute shall take the place of such current bill. Thereafter, no committee of reference shall consider the previous bill but shall

direct its attention to the substitute bill. The substitute bill shall carry the same identifying number as the original bill.

#### **RULE 2.207 INVESTIGATIONS**

Each committee, or subcommittee thereof, is authorized to invite public officials and employees and private individuals to appear before it for the purpose of submitting information to it. Every committee is hereby authorized, when directed by the President or by the Council, to conduct investigations into the affairs of the consolidated government and conduct of any department, office or agency of the consolidated government. Investigations need not be initiated or conducted in connection with the consideration of a bill, but may be made whenever good government requires. Each standing committee is authorized and directed to maintain a continuous review of the work of the agencies concerned with its subject area and for this purpose to request reports from time to time, in such form as the committee shall designate, concerning the operation of any agency and presenting any proposal or recommendation such agency may have with regard to existing ordinances or proposed legislation in its subject area.

#### **RULE 2.208 POWERS OF STANDING AND SPECIAL COMMITTEES**

A standing or special committee shall have and may exercise the following powers in carrying out the duties assigned to it by these Rules or by the Council or the President:

(a) To inspect and investigate the books, papers, records, documents, data, operation and physical plant of any agency.

(b) To issue subpoenas to compel the attendance of witnesses before such committee, in accordance with the procedures specified in Chapter 134 of the Ordinance Code.

(c) To issue subpoenas duces tecum to compel the production of books, letters or other documentary evidence it may desire to examine in reference to any matter before it, in accordance with the procedures specified in Chapter 134 of the Ordinance code.

(d) By its chair or, in his/her absence, by any other member of the committee, to administer oaths and affirmations to witnesses who appear before such committee for the purpose of testifying in any matter before it.

(e) By its chair, or vice-chair in his/her absence, to request attendance and services from the Office of General Counsel at meetings.

#### **RULE 2.209 POWERS OF SELECT COMMITTEES**

Select committees shall have and may exercise such powers as they may be granted at the time of their appointment or creation; provided, that no select committee may be empowered to issue subpoenas or subpoenas duces tecum except by a majority vote of all the Council Members.

#### **RULE 2.210 RULES IN COMMITTEE**

(a) All committees, and subcommittees, thereof, shall follow the following procedural rules:  
(1) A quorum of a standing committee shall be five members and a quorum of a special or select committee or subcommittee of any standing, special or select committee shall be a majority of its members, except as modified by Rule 2.211, with the exception that in the event there are two unexcused absences for a standing committee meeting, the quorum shall be four members

for that meeting. Following the transaction of official business, a committee or subcommittee may remain in session without a quorum to receive or exchange additional comments from the public.

(2) Committees may act only by a majority vote of all the members of the committee, but subcommittees may act by a majority vote of the members present and voting.

(3) The committee chair shall offer for consideration any proposed amendment or substitute recommended by any agency commission or board charged by the Council President, the ordinance code, or any ordinance or resolution with advising the Council on legislation.

(4) The committee chair may defer consideration of a bill at any time before the vote is taken on a motion to report the bill, subject to the right of any committee member to appeal said deferment to the full committee.

(5) Voting in all committees shall be by electronic ballot and/or voice vote, but upon the request of any member of the committee, the vote shall be taken by roll call.

(6) The rules of the Council shall govern proceedings in committee unless otherwise specifically addressed in these rules.

(b) Additional procedural requirements concerning witnesses and subpoenas:

(1) Service of a subpoena requiring the attendance of any person at a committee meeting shall be made at least seven days before the date of the meeting unless a shorter period of time is authorized by a majority vote of all the committee members. If a shorter period of time is authorized, the persons subpoenaed shall be given reasonable notice of the meeting, consistent with the particular circumstances involved.

(2) Any person served with a subpoena to attend a committee meeting shall also be served with a general statement informing him/her of the subject matter of the committee's investigation or inquiry and a notice that he/she may be accompanied at the meeting by counsel of his/her own choosing.

(3) Upon the request of any person and the approval of a majority of the committee, the chair or, in his/her absence, the vice-chair shall instruct all witnesses to leave the committee room and retire to a designated place. The witness will be instructed by the chair or, in his/her absence, the vice-chair, not to discuss his/her testimony or the testimony of any other person with anyone until the meeting has been adjourned and the witness discharged by the chair. The witness shall be further instructed that should any person discuss or attempt to discuss the matter under investigation with them after receiving such instructions he/she shall bring such matter to the attention of the committee. No member of the committee or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with witnesses to be called before the committee from the time that these instructions are given until the meeting has been adjourned and the witness discharged by the chair.

(4) Before or during a meeting a witness or his/her counsel may file with the committee, for incorporation into the record of the meeting, sworn written statements relevant to the purpose, subject matter and scope of the committee's investigation or inquiry. Any such witness shall, prior to filing such statement, consent to answer questions from the committee regarding the contents of the statement.

(5) Any person whose name is mentioned or who is otherwise identified during a meeting being conducted for the purpose of interrogating witnesses of a committee and who, in the opinion of the committee, may be adversely affected thereby, may upon his/her request or upon the request of any committee member, appear personally before the committee and testify on his/her own behalf, or, with the committee's consent, file a sworn written statement of facts or other documentary

evidence for incorporation into the record of the meeting. Any such witness shall, prior to filing such statement, consent to answer questions from the committee regarding the contents of the statement.

(6) Upon vote of the majority of its members, a committee may permit any other person to appear and testify at a meeting or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance or submission shall limit in any way the committee's power of subpoena. Any such witness, however, shall prior to filing such statement, consent to answer questions from the committee regarding the contents of the statement.

#### **RULE 2.211 PRESIDENT AS EX-OFFICIO MEMBER; VICE PRESIDENT AS EX-OFFICIO MEMBER SUBJECT TO CERTAIN LIMITATIONS**

The President shall be an ex-officio member of each standing, special or select committee. He/she may attend any standing, special or select committee meeting to make a quorum, but his/her attendance shall not increase the quorum requirement. The President may vote on any question pending in a standing or special committee, but his/her participation shall not increase the minimum number of affirmative votes required to report any matter to the Council.

The Vice President may serve as an ex-officio member of a standing, special or select committee in the same manner as the President as outlined above, subject to the following limitations:

(a) The Vice President shall serve as an ex-officio member only when the President is unable to attend the subject standing, special or select committee meeting(s) to exercise his authority as an ex-officio member pursuant to this Rule. Authority for the Vice President to serve as an ex-officio member may be granted for an entire standing, special or select committee meeting but not a portion of any such meeting. The President and Vice President may not both serve as ex-officio members during the same standing, special or select committee meeting.

(b) The President shall provide authorization for the Vice President to serve as an ex-officio member in writing, addressed to the Chief of the Legislative Services Division and in the form prescribed by the Chief of the Legislative Services Division, at least one hour prior to the published start time of any standing, special or select committee meeting(s) the Vice President will attend as an ex-officio member pursuant to this Rule. The Chief of the Legislative Services Division shall inform the committee chair that the Vice President is attending the meeting as an ex-officio member. The chair shall make an announcement at the beginning of the meeting that the Vice President is attending in an ex-officio capacity pursuant to this Rule.

(c) The authority granted herein shall not be construed to suggest or imply the Vice President is acting as the President's proxy when attending any standing, select or special committee meeting as an ex-officio member.

#### **RULE 2.212 COMMITTEE MINUTES**

(a) Proceedings to be Recorded. The proceedings of every committee, including subcommittees, special and select committees shall be electronically and electromagnetically recorded, but, unless excused by the committee chair, the Council Secretary/Director will request that a Legislative Assistant, Executive Council Assistant or Research Assistant be in attendance to take notes, care for the committee and legislative files being used by the committee, prepare committee reports and perform other duties as instructed by the chair. Written minutes of the proceedings are not required, but a majority of the committee may require that the recorded proceedings be reduced to writing as soon as practicable after the adjournment of the proceeding, in which case the written minutes shall be prepared in the standard format prescribed by the Council Secretary and/or Chief of Legislative Services. Memorandum minutes only will be prepared, unless a majority of the committee orders that verbatim minutes be prepared. The recordings of the proceedings shall be certified by the committee secretary taking same and shall be kept pursuant to records retention laws, Florida Statutes.

(b) Copies. Any person at a public hearing, upon his/her advance request and at his/her own expense, shall be furnished a certified transcript of his/her testimony at the hearing. Copies of other committee minutes shall be made available by the Chief of Legislative Services for a prescribed fee.

#### **RULE 2.213 REFUSAL TO OBEY ORDER DURING INVESTIGATION**

(a) Committee Action. If, during the progress of an investigation by a standing, special or select committee, a person refuses to testify (where there is no apparent constitutional basis for the refusal) or, having been directed by subpoena duces tecum to produce books, letters or other evidence, refuses to produce the required evidence and the committee desires to hear the testimony or to have the evidence produced, the chair or vice chair shall (1) repeat the question to the witness and request that he/she answer it or (2) read from the subpoena duces tecum the item of evidence required to be produced and request that the witness forthwith produce the item. If the refusal continues and the committee still desires to hear the testimony or to have the evidence produced, the chair or vice chair shall excuse the disobedient witness for the time being and report the facts to the Council at its next meeting, requesting that the Council issue its order to the disobedient witness.

(b) Council Action. Together with the report by the Committee chair or vice chair, a resolution shall be introduced in the name of the committee before which the disobedient witness appeared containing an order by the Council, directed to the disobedient witness, that the disobedient witness answer the question or produce the named item of evidence forthwith and directing that the answer be made or evidence be produced to the committee at a time and place named therein. If the Council adopts the resolution, the Sergeant-At-Arms shall serve a certified copy of the resolution on the disobedient witness and notify him/her of the time and place where the committee will next meet to receive his/her response. The Sergeant-At-Arms shall make his/her return to the Council Secretary.

(c) Continued Refusal to Obey Council Order. If, at the time and place stated for the committee to meet and receive the response of the disobedient witness, the witness continues in his/her refusal to answer the question or produce the evidence, the chair or vice chair, or any member of the committee present, shall appear before the State Attorney for the Fourth Judicial Circuit and charge the disobedient witness with a misdemeanor under Section 5.09 of the Charter.

(d) Failure as Refusal. Failure of a person to answer a question or produce evidence, without an excuse acceptable to the committee or to the Council, as the case may be, for the failure, shall be deemed a refusal for the purpose of this Rule. It shall not be an acceptable excuse that the person failing to answer a question or to produce evidence would be subjected, by an answer to the question or production of evidence, to public embarrassment or ridicule.

#### **RULE 2.214 SPECIAL COMMITTEE REPORTS**

A committee may be called upon by the Council President or by an enacted ordinance or approved resolution, to report upon or approve (or reject) a matter that is not the subject of a pending ordinance or resolution.

In such circumstances, the report or approval (or rejection) of the committee (1) shall be made by a majority of the members of the committee, (2) shall be reduced to written form, signed by the committee chair, and (3) shall be retained by the Chief of Legislative Services in a special committee report bank.

Furthermore, the above described process may be used by any committee that wishes to make a report upon any proposed bill that will be considered by the Council as an emergency, but which has yet to have a first reading.

## CHAPTER 3. LEGISLATION

### PART 1. GENERAL RULES

#### RULE 3.101 MANNER OF LEGISLATION

The Council shall take official action only by means of ordinances and resolutions. For the purposes of these Rules:

(a) "Ordinance" means an official legislative action of the Council, which action is a regulation of a general and permanent nature and enforceable as a local law. In addition to other actions required to be done by ordinance, appropriations shall be made, penalties shall be imposed, taxes, fees and other charges shall be levied or established, mandatory duties and obligations shall be created, and all contracts and agreements requiring Council approval shall be approved, only by ordinance; provided however that economic development investment incentives and related contracts, agreements and appropriations, incorporated as exhibits thereto, shall be approved by resolution. An ordinance shall be amended, waived or repealed only by ordinance.

(b) "Resolution" means an expression of the Council concerning matters of City administration, an expression of a temporary, advisory or exhortative character, a provision for the disposition of a particular item of the administrative business of the Council, or an approval of economic development investment incentives and related contracts, agreements and appropriations incorporated as exhibits thereto. Appointments shall be made or confirmed by resolution.

#### RULE 3.102 PREPARATION OF BILLS

(a) Responsibility. Bills proposing ordinances or resolutions will usually be prepared by the General Counsel's Office upon the written request of any Council Member, the Mayor or other elected City official or a majority of any elective board, or the General Counsel, or any appointed board having fixed terms of office, subject to the requirements of Section 3.106 Ordinance Code. The bill shall state the name of the preparer. Any bill not prepared by the General Counsel's Office shall be submitted to said office for review before delivery to the Legislative Services Division. All bills prepared by or submitted to the General Counsel's Office shall be approved by the General Counsel or an Assistant General Counsel as to form.

(b) General Form. All bills shall be typewritten in a Courier New font, size 11.5, in black typing, without obvious erasure or interlineation, on paper of 8-1/2 inches by 11 inches. Each line shall be numbered consecutively from top to bottom along the left margin, with 22.5 point spacing with no more than 31 lines. The text shall be completely within vertical guidelines drawn not more than 7 inches apart. The words "Introduced by", followed by the name of the introducer, shall be typed on the first line of the first page, followed by two blank lines. The bill name, which is the bill year and file number, shall be bold and centered followed by the title paragraph, appropriately indented and typed in capital letters. There shall be a blank line following the indented title paragraph. For all bills, the ordaining or resolving clause, which in certain bills will be preceded by whereas clauses, shall be as follows:

- (1) For ordinances: "BE IT ORDAINED by the Council of the City of Jacksonville:"
- (2) For resolutions: "BE IT RESOLVED by the Council of the City of Jacksonville:"

Adequate space shall be left at the end of the bill for the endorsement of approval as to form by the General Counsel's Office and identification of the preparer. Any bill relating to a land transaction

by reason of which any employee or officer of the City shall have received or expects to receive a written public disclosure of interest pursuant to Section 286.23, Florida Statutes, shall have a copy of any such disclosure attached as an exhibit to such bill prior to introduction under Rule 3.103.

(c) Language. In preparing bills for introduction, the following rules regarding language shall be followed:

(1) In all bills amending current and effective legislation, new words shall be underlined and words to be deleted shall be lined through with strikeout. However, the words to be deleted and the indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill. When a new codified ordinance section or subsection is created, the proposed language will not be underlined. Any ordinance repealing an existing *Ordinance Code* chapter, section or subsection, without the use of strikeouts, shall include language which states that the repealed chapter, section or subsection is placed **on file** with the Legislative Services Division, and said repealed chapter, section or subsection shall be so placed **on file**. The Legislative Services Division and the Office of General Counsel shall ensure that the history of a repealed chapter or section is preserved in codification through appropriate "Editor's notes."

(2) Each bill shall have a title, which shall clearly and succinctly state its general subject matter. A title should be a general table of contents of the bill so as to assist in computer searches.

(3) Each section of the bill shall be numbered and contain but one proposition of enactment. Section headings may be provided where necessary to prevent confusion or provide information, but such headings shall be considered for information purposes only and not to constitute a part of the section.

(4) Each bill which has exhibits will clearly state in the body of the bill, in bold type. (e.g. "**Exhibit 1**, attached hereto" etc.); each page of the numbered exhibit shall reference the exhibit with number and number the pages consecutively with reference to the total number of pages of each exhibit, i.e.:

Exhibit 1  
Page 1 of 16

Exhibit 1  
Page 2 of 16

Any exhibit referred to, that is not attached to the bill, shall make reference in bold type that the exhibit is "**on file**" and shall state the location where the exhibit is filed.

(d) Substitutes. Substitute bills shall be prepared in the same manner as original bills, and shall be reviewed as to form by the General Counsel's Office. In place of the name of the introducer, the following words shall be used: "[name of Council Member or Council Committee's] Substitute for File \_\_\_\_\_." When more than one substitute bill is received by the Legislative Services Division for the same measure, the word "Second", "Third" and so on, as appropriate, will be inserted before the word "Substitute".

(e) Ordinance Code, Ordinance, Policy, Procedure, or Covenant Waivers. The provisions of the Ordinance Code, or any ordinance, policy, procedure, or covenant may only be waived by ordinance. All waivers or exceptions of the Ordinance Code, or any ordinance, policy, procedure, or covenant shall be set forth in a separately identified section of the proposed ordinance with a heading

in bold identifying the section number and title of the ordinance, policy, procedure, or covenant, in substantially the following form:

**“Section \_\_. Section \_\_ (\_\_\_\_\_), Ordinance Code Waived or Exception Provided.”**

The content of the separate section proposing waiver of the Ordinance Code or any ordinance, policy, procedure, or covenant shall include the section number and title or ordinance, policy, procedure, or covenant waived, a description of what the waived language requires, and a full explanation of the reason for waiving the particular requirement.

(f) Emergencies. All ordinances or resolutions, not subject to the two readings provision of Council Rule 3.305, intended to be passed by emergency in accordance with these rules shall articulate “introductory emergency” or “one cycle emergency” and the reasons for moving the ordinance or resolution as an emergency in a separately identified section of the proposed ordinance or resolution with a heading in bold identifying the section number and title in substantially the following form:

**“Section \_\_. Rule 4.901 Requesting Emergency Passage.”**

for emergency passage upon introduction or

**“Section \_\_. Rule 4.901 Requesting one cycle emergency passage.”**

(g) Surplus Property Legislation. All legislation surplussing real or personal property of the City shall contain:

(1) For real property, an attached certificate from the Chief of Real Estate that all Chapter 122 requirements have been met, and if not, the requirements not met and the reasons therefore.

(2) For personal property, an attached certificate from the Director of Procurement that all Chapter 122 (Public Property) or Chapter 126 (Procurement) requirements have been met, and if not, the requirements not met and the reasons therefore.

(3) For all property, an estimation of the value of the property and whether the value is supported by an appraisal.

(4) For all property to be donated to a non-profit, an attached contract in a form similar to the City’s standard public service grant contract stating the terms and conditions associated with the disposition or conveyance of the property.

(h) Current fiscal year Capital Improvement Program Plan (CIP) amendments. All legislation other than the annual budget ordinance or the annual Capital Improvement Program Plan (CIP) ordinance, that amends the CIP, shall contain provisions that state:

(1) That deferral of such amendment until the immediately following annual budget review will be detrimental to the best interest of the community; and

(2) The reasons that deferral of such amendment until the immediately following annual budget review will be detrimental to the best interest of the community; and

(3) That pursuant to Section 122.605(c), a vote on such amendment shall require the affirmative vote of two-thirds of the Council Members present at the meeting.

(i) With the prior written approval of the Council Secretary and the Council Auditor, the

Chief of Legislative Affairs Division, Office of General Counsel may correct scrivener's or other typographical errors absent further legislative action in accordance with the Administrative Changes or Corrections Policy, on file with the Legislative Services Division.

(j) Contracts or Agreements. Any legislation filed which approves or authorizes a contract, agreement, lease, easement or grant agreement, for execution by the City shall specify the department, agency, commission, or other governmental entity within the City which will have management and oversight responsibility for the particular contract, agreement, lease, easement or grant agreement.

### **RULE 3.103 INTRODUCTION OF BILLS**

(a) Introducer(s) and Sponsor(s). All ordinances and resolutions shall be introduced by individual Council Member(s) or by a Council committee, except as provided in Section 3.106 of the Ordinance Code. The name of such Council Member(s) or Council committee shall be shown as introducer(s) on the introducer line on the first page of the bill. Additional Sponsor(s) may be added and identified as sponsor(s), upon their written request or by requesting same on the record in any noticed meeting in Council Chambers, by the Chief of Legislative Services without the necessity for amendment by the Council, and a sponsor may withdraw his/her name from a bill at any time by the Chief of Legislative Services without the necessity for amendment by the Council. Bills may be introduced or co-introduced or sponsored by a committee and a committee may withdraw its name from any bill, with the concurrence of a majority of the committee, at any time without the necessity for amendment by the Council. The Chief of Legislative Services shall ensure that introducers and sponsors are separately identified on the respective agendas of the Council and its committees.

(b) Time and Manner of Introduction. All bills shall be received by the Chief of Legislative Services. With the concurrence of the President, the Council Secretary may set deadlines for the reception of bills prior to the Council meeting at which the numbered legislation will appear on the Council agenda and be read for the first time. After the expiration of such deadlines, the Chief of Legislative Services may defer introducing any bill received by his/her office until the intervention of one regular Council meeting, unless otherwise directed by the President. The original of each bill shall be furnished to the Chief of Legislative Services, together with all necessary attachments and, if required by Section 3.106 of the Ordinance Code, a properly certified document; the Chief of Legislative Services is authorized to refuse to accept bills not accompanied by marked proper attachments or documents, or to delay placing such bills on the Council agenda for introduction until the appropriate attachments or documents are supplied and properly notated for identification, i.e., Exhibit 1 to (bill file number).

(c) Introduction into Council. All new bills shall be numbered to set the Council agenda by the Chief of Legislative Services, unless delayed in accordance with subrule (b). The new bills shall be considered to be on first reading.

(d) Fact Sheets. All legislation introduced by the Council President at the request of any other party shall be simultaneously accompanied by fully completed and explanatory fact sheets. All fact sheets shall be in substantially the same form as is approved by the Chief of Legislative Services.

(e) Complete Legislation Required. All legislation introduced shall be complete with fact sheets provided, with appropriations that have all sums and sources identified, with all ordinances waived identified by Code section and with full explanation, with all documents referred to in the legislation attached or placed on file, and without other purposeful omissions. The Chief of Legislative Services shall accept incomplete legislation for filing, but shall stamp same "Incomplete Legislation" and shall take no action to advertise or set public hearings on said legislation. Incomplete legislation shall be placed on the Council's Agenda for informational or amendment purposes only, but the Chief

of Legislative Services shall not advertise nor set a public hearing or a second reading before the Council on the legislation until after the legislation is deemed complete by the Chief of Legislative Services.

#### **RULE 3.104 DISTRIBUTION OF BILLS**

Upon introduction, all bills shall be provided for the information of the Council and the public.

#### **RULE 3.105 IDENTIFICATION OF BILLS**

Bills shall be identified in the order they are received in the Legislative Services Division and shall be serially numbered as filed. Each bill shall be numbered by a two-part file number consisting of the last two digits of the calendar year in which the bill is received as the first part and a consecutive serial number beginning with "1" in each calendar year, as the second part. File numbers shall be assigned without regard as to whether the bill is an ordinance or a resolution.

#### **RULE 3.106 WITHDRAWAL OF BILLS**

(1) Any bill may be withdrawn by the introducer at any time before amendment or putting to a vote, with the consent of a majority of the Council Members present. Thereafter, except as provided in subsection (2), a bill may be withdrawn only upon recommendation of a committee of reference, and with the agreement of a majority of the Council Members present.

(2) Notwithstanding Rule 3.108, any bill for which there is a sponsor presently serving on the Council that has been pending for two years since its date of introduction shall be administratively withdrawn and removed from all agendas by the Chief of Legislative Services, unless the Council, by two-thirds vote of the full council prior to the conclusion of the two year period, determines to allow the bill to remain pending after the two year period, and postpones or re-refers the bill. In that event, the bill may remain pending for an additional sixty (60) day period, after which the bill shall be administratively withdrawn and removed from the agendas by the Chief of Legislative Services if no final action on the bill has occurred.

(3) Any bill for which there is no sponsor, the Chair of the Council Committee to which it is assigned may, at their discretion request that the bill be added to the Council agenda for automatic withdrawal in accordance with Council Rule 3.106(2), with the exception of the length of time since introduction.

#### **RULE 3.107 REINTRODUCTION OF BILLS**

Whenever any ordinance or resolution has been introduced for the consideration of the Council, and has not been withdrawn but has failed of adoption or passage, such measure, unless substantially changed, shall not be introduced again until the lapse of at least twelve months from the date of the Council meeting at which it failed of adoption or passage.

#### **RULE 3.108 AUTOMATIC PLACEMENT OF BILLS ON THE COUNCIL AGENDA**

Any bill that has been pending before the Council for a period of twelve months or more from the date of introduction to the Council shall be automatically placed on the Council Agenda under Unfinished Business for consideration by the Council at the next regularly scheduled Council Meeting following that twelve month period. Placement of a bill on the Council Agenda pursuant to this rule shall have the effect of removing said bill from consideration by all committees of reference.

## **PART 2. REFERENCE OF BILLS**

### **RULE 3.201 REFERENCE ON FIRST READING**

As bills are read for the first time, the President, or the Rules Chair as the President's designee, shall refer them to the appropriate committee or committees, subject to the provisions of 3.703(a)(1). Such reference shall stand unless, during the meeting at which the bill is first referred, a motion for other disposition of the bill is made and prevails. The file number and titles of first reading bills shall be entered in the minutes.

### **RULE 3.202 REFERENCE TO DIFFERENT OR ADDITIONAL COMMITTEES**

Any Council Member may, during the meeting at which a bill is first referred, request that a bill (a) be withdrawn from the Committee of reference, or any of them, if more than one, and referred to a different committee or (b) jointly referred to another committee or committees in addition to the committee or committees of reference. If the President denies the request, it shall automatically be considered as a motion in accordance with the request, which shall require a second and which shall be decided by a two-thirds vote of the Council Members present. Thereafter, a bill may be referred to a different or additional committee only under the provisions of Rule 3.201. A request or motion under this Rule shall be first to a standing committee and second to a special or select committee and, if lost, may not be reconsidered. The question of proper reference may be raised at any time by the chairman of a committee claiming jurisdiction, which shall be decided by a two-thirds vote of the Council Members present.

### **RULE 3.203 REFERENCE OF REPORTED MATTERS**

Matters, once reported by a committee, may not be re-referred to that committee except at the request of its chairman or upon the order of a majority of the Council Members present, or by the Council President pursuant to Rule 1.201.

## **PART 3. READINGS**

### **RULE 3.301 READING OF BILLS**

Except as otherwise provided in these Rules, each bill shall receive three separate readings on three separate days previous to a vote upon final passage. Within the meaning and intent of these Rules, a bill is "read" if the Chief of Legislative Services calls out the file number of the bill, except as provided in Rule 3.201.

### **RULE 3.302 FIRST READING: BY TITLE ONLY; AMENDMENTS AND SUBSTITUTES**

The Chief of Legislative Services shall not read by title or number first reading bills. No bill may be amended or substituted on first reading, except under the provisions of Rule 4.902; all proposed amendments and substitutes shall accompany the original bill to the Council Meeting or committees of reference.

### **RULE 3.303 SECOND READING: COMMITTEE REPORTS; AMENDMENTS AND SUBSTITUTES**

A bill shall not be placed on the agenda of any Council meeting for second reading unless and until each committee of reference has reported the bill or has recommended that the bill be read for the second time and re-referred to that committee. However, if the committee meeting is cancelled, all bills that would have been marked for the committee to read second and rerefer shall be placed on the Council agenda as if the committee met and recommended same. It shall always be in order to offer amendments to and substitutes for bills on second reading. Amendments shall be in writing, contain the name of the offeror and be approved as to form by the General Counsel or an Assistant General Counsel. Amendments and substitutes prepared in advance shall be filed with the Legislative Services Division not less than twenty-four hours before the meeting at which they are to be offered; provided, that amendments may be offered from the floor of the Council during a meeting at which it is in order to offer amendments to the bill in question without the necessity of prefiling the same. If a bill is re-referred to a committee, all proposed amendments and substitutes, having been filed or offered but not voted upon, shall accompany the bill as information to the committee of reference.

### **RULE 3.304 THIRD READING: FINAL REPORTS; DELAY OF FINAL VOTE**

A bill shall not be placed on the agenda of any Council meeting for third reading unless and until all the following conditions are met:

- (1) each committee of reference has reported the bill; and
- (2) each agency required or requested to file a report of recommendation with respect to the bill has done so; and
- (3) all public hearings required or permitted to be held on the bill either have been held at a previous meeting or are scheduled for the same meeting at which the bill will be read for the third time, unless otherwise required by Florida Statutes and Ordinance Code.

Upon the third reading of any bill, the vote on passage shall not be postponed to a day certain without the consent of a majority of the Council Members voting.

### **RULE 3.305 LEGISLATION REQUIRING ONLY TWO READINGS**

- (a) Resolutions which recognize or commend an organization or individual, or recognize or establish a day, week or month in honor of a person or event.
- (b) Resolutions approving economic development investment incentives that do not meet the criteria set forth in Rule 3.306, but which have otherwise been determined by the Office of Economic Development staff and the Office of the Mayor to merit consideration, shall only require two readings, so long as the procedural requirements of general law are met and a recommendation by the committee of reference which reviews financial matters (as established in Rule 2.102) has been reported to Council pursuant to Rule 2.204. A copy of the proposed resolution and all pertinent background information shall be provided to the Council Auditor simultaneous to filing with the Legislative Services Division.

### **RULE 3.306 LEGISLATION REQUIRING ONLY ONE READING**

A resolution approving an economic development investment incentive that meets the following criteria: (1) The maximum City-provided investment from all City sources is no more than \$300,000, and (2) The project meets the requirements of the City's Economic Development Investment Policy as approved in Resolution 2006-119-A, as amended by 2012-213-E, without the need for a waiver of the policy, shall only require one reading so long as the procedural requirements of general law are met and a recommendation by the committee of reference which reviews financial matters (as

established in Rule 2.102) has been reported to Council pursuant to Rule 2.204. A copy of the proposed resolution and all pertinent background information shall be provided to the Council Auditor simultaneous to filing with the Legislative Services Division.

## **PART 4. ENROLLMENT OF BILLS**

### **RULE 3.401 ENROLLING AFTER PASSAGE**

Immediately after the passage of a bill, it shall be enrolled and all amendments adopted by the Council shall be carefully incorporated therein by the Office of General Counsel. The Chief of Legislative Services shall be responsible for the enrolling of bills.

### **RULE 3.402 IDENTIFICATION**

Upon enrollment, denial or withdrawal of a bill, the Legislative Services Division shall assign a letter suffix identification to each bill as follows:

- (a) Enrolled ordinances shall be designated by the letter "E".
- (b) Enrolled resolutions shall be designated by the letter "A".
- (c) Denied (not enacted) ordinances and resolutions shall be designated by the letter "D".
- (d) Withdrawn ordinances and resolutions shall be designated by the letter "W".

### **RULE 3.403 AUTHENTICATION**

Each bill passed by the Council and enrolled shall be signed by the presiding officer and by the Council Secretary, or in the absence of the Council Secretary the Chief of Legislative Services, as provided in Section 11.103(f), *Ordinance Code*. The signatures of these persons shall be affixed to an authentication page firmly attached to the measure and containing the identification number assigned to the measure; the date of enactment or adoption and, if the measure was enacted or adopted as an emergency measure, a statement to that effect; the appropriate authentication signatures; a place for the Mayor's signature, if required; and the seal of the City. If the measure is vetoed by the Mayor and passed by the Council notwithstanding his/her veto, a statement to that effect shall be inserted in place of the Mayor's signature. If the measure becomes effective without the Mayor's approval, a statement to that effect stating the effective date of the measure shall be inserted in place of the Mayor's signature.

### **RULE 3.404 PERMANENT RECORD**

The original enrolled measure, containing the appropriate authentication signatures and the Mayor's signature or statement in lieu thereof, shall constitute the permanent and original record thereof, all of which shall be kept in a vault or other safe place.

## **PART 5. PUBLICATION**

### **RULE 3.501 MATTERS TO BE PUBLISHED**

(a) Matters Required To Be Published. The following matters shall be published in the manner provided in this Part:

(1) The titles of all ordinances introduced into the Council and not passed as emergency measures immediately upon introduction, including ordinances that rezone private real property.

(2) The titles of all resolutions considering applications for developments of regional impact.

(3) The statutory notices required by Florida Statutes.

(b) Matters Which May Be Published. Any other matter may be published at the direction of the President, the Council or any committee with respect to its business.

#### **RULE 3.502 TIMES FOR PUBLICATION**

The titles required to be published under Rule 3.501(a)(1) and (2) shall be published as soon as the ordinance or resolution is introduced into the Council. The notices required to be published under Rule 3.501(a)(3) shall be published within the statutory periods prescribed for their publication when the dates for the hearings concerning which they are published have been scheduled. All other matters shall be published as directed.

#### **RULE 3.503 MANNER OF PUBLICATION**

Official advertisements and notices shall be published for the prescribed period of time in a newspaper which meets the requirements of Sections 50.011 and 50.031, Florida Statutes, for publication of legal and official advertisements. Unless otherwise prescribed by law or directed by the President, Council or committee, an official advertisement or notice shall be published once only and, wherever possible, matters to be published concerning the same ordinance or resolution shall be published in a single advertisement or notice. Publication by posting at three different places in the City shall not be made, unless specifically ordered in addition to publication in a newspaper.

#### **RULE 3.504 PROOF OF PUBLICATION**

Proof of publication shall be obtained by the Council Secretary or as provided by Section 50.041, Florida Statutes, and the Council shall pay the statutory charges for publication and proof of publication. The original proof of publication shall be filed in the permanent bill files located in the Legislative Services Division.

#### **RULE 3.505 NOTICE TO REAL PROPERTY OWNER**

In the case of an ordinance introduced by a Council Member or a committee that rezones private real property involving less than five per cent of the total land area of the City, the Legislative Services Division shall, as soon as the bill is received for introduction, mail a notice of proposed rezoning and public hearing to the owner of the real property that will be rezoned by the ordinance, and to each such owner if there is more than one owner of record, in the manner prescribed by Section 166.041(3)(c)1, Florida Statutes. In the case of an ordinance introduced by a Council Member or a committee that rezones private real property involving more than five percent of the total land area of the City, the Legislative Services Division shall not mail any notice to any owner of the real property that will be rezoned by the ordinance; in lieu thereof, shall publish the statutory notice provided for by Section 166.041(3)(c)(2), Florida Statutes.

### **PART 6. PUBLIC HEARINGS**

## **RULE 3.601 PUBLIC HEARINGS: COUNCIL**

(a) Council Public Hearing Defined. A Council public hearing is a meeting of the Council, or a specified portion thereof, at which the privilege of the floor is granted to the general public and members thereof may address the Council on the subject for which the public hearing is called. A public hearing is designed to elicit comments and observations from the general public and to afford the members of the general public an opportunity to speak directly to the full Council. Comments shall be limited to three minutes, unless a lesser time is fixed for all speakers on that public hearing topic by the presiding officer, subject to the confirmation of Council, and no person shall be allowed to give or transfer his/her time to speak to another person.

(b) When Held. Although the Council has need of the comments and observations of the members of the general public, the business of the Council requires that public hearings by the full Council be held to the minimum number. Consequently, except for public hearings required by law, a public hearing by the full Council will be scheduled only by order of the President, the Rules Committee or two-thirds of the Council Members present at any meeting. With respect to the order of public hearings on the agenda:

(1) Public hearings required by §166.041, Florida Statutes, shall be held as follows:

(i) Public hearings required by Section 166.041(3)(d)1 (adoption of ordinance or resolution), Florida Statutes, shall be held during the meeting following the meeting at which the ordinances involved are read for the first time.

(ii) Public hearings required by Section 166.041(3)(c)1 (zoning-parcel), Florida Statutes, shall be held during the first meeting of the Council that is at least thirty days after the date that the notice of proposed rezoning was mailed to the real property owner involved, and one public hearing under this section shall be scheduled for each ordinance involved.

(iii) Public hearings required by Section 166.041(3)(c)2 (zoning-permitted uses), Florida Statutes, shall be held, with respect to the first of hearings, during the first regular Council meeting that is at least seven days after the meeting at which the ordinance involved was read for the first time and, with respect to the second or such hearings, during the regular Council meeting following the meeting during which the first public hearing was held.

(2) Public hearings required by Section 380.06 (development of regional impact), Florida Statutes, shall be held as prescribed by the Florida Statutes and shall be scheduled after the required time has elapsed for the Department of Community Affairs review of any development of regional impact, substantial or non-substantial.

(3) All other public hearings shall be held as required by Florida Statutes, the Ordinance Code, the Council Rules, or as set by the Council or the Council President. The purposes for the public hearings shall be stated when held.

(c) Public Hearings Without Legislation. The Council may schedule a public hearing on a matter when there is no legislation concerning such matter pending before the Council, in order to determine the need for possible legislation and to gather information to be used in drafting such legislation. In all such cases, the Council shall resolve itself into a Committee of the Whole and shall be governed by Rule 3.602.

(d) Recess. Public hearings may be recessed or continued by order of the presiding officer or by a majority of the Council Members present, to a time certain and from time to time.

(e) Conduct of Hearing. When the Council takes up a bill or bills on which a public hearing is/are scheduled, the presiding officer shall declare the same open to the general public. Subject to the provisions of Rule 4.806(b), all those in favor of the bill shall first be given an opportunity to speak, then those in opposition to the bill; the proponents shall then be given an opportunity to reply to the claims and allegations of the opponents. At any time during the public hearing, the Council Members may question any speaker concerning his/her remarks at the conclusion thereof, and may recall any speaker for clarification of his/her previous remarks or additional remarks, if any he/she has. When all members of the general public who have been scheduled to speak have done so and the Council Members have finished their questioning of the speakers, the presiding officer shall declare the public hearing(s) to be closed, and no further remarks shall be heard from the general public. Council Members may question a speaker only to elicit information, comments or opinions and may not debate the merits of the bill, either with a speaker or among themselves, during a public hearing.

### **RULE 3.602 PUBLIC HEARINGS: COMMITTEES**

(a) Committee Public Hearing Defined. A Committee public hearing is a meeting of a committee, or a specified portion thereof, at which the privilege of the floor is granted to the general public and members thereof may address the committee on the subject for which the public hearing is called. A public hearing is specifically designed to elicit comments and observations from the general public and to afford the members of the general public an opportunity to speak directly to the committee concerning a particular matter of great public interest or importance. All meetings of a committee are public meetings, at which the public may, at the pleasure of the committee, address the committee; but a public hearing is an extraordinary procedure used only to gain information not otherwise obtainable or to hear both sides of a controversy or to argue the merits of a matter.

(b) When Held. A committee shall hold a public hearing as required by the Ordinance Code, when ordered by the President, the Council or a majority of the members of the subject committee. A committee shall hold a public hearing only on a matter referred to the Committee. Public hearings may be held in any public building within the City.

(c) Recess. Public hearings may be recessed by order of the committee chair or by a majority of the committee, to a time certain and from time to time, subject to the order for the public hearing.

### **RULE 3.603 COMMENTS FROM THE PUBLIC**

The public comment portion of a regular Council meeting shall be scheduled prior to the public hearings portion of each meeting immediately following Actions upon resolutions on first or second reading regarding economic development investment incentives and related contracts, agreements and appropriations. Comments from the public given during the public comments portion of the meeting, except scheduled public hearing comments, shall be limited to three minutes per person and no person shall be allowed to give or transfer his/her time to speak to another person. The Council shall reserve up to one and one-half (1.5) hours of time for the public comment period. The deadline for filling out and submitting a speaker's card for public comment is 60 minutes after the published start time of the Council meeting. When there are multiple speakers, the time allocated per person shall be divided so as to allow as many speakers as possible a turn to speak. Each person addressing the Council shall proceed to the place assigned for speaking, give his/her name and county residence in an audible tone of voice for the records.

### **RULE 3.604 PUBLIC PARTICIPATION**

*Public Participation defined.* Public Participation is the public's opportunity to be heard on a proposition before City Council, on all legislation, that does not otherwise have a public hearing pursuant to Council Rules 3.601 or that is exempt pursuant to §286.0114(3), *Florida Statute*. Public Participation shall be held on those matters on second reading at City Council.

#### **RULE 3.605 ADDRESSING THE COUNCIL**

Prior to addressing the Council, the person desiring to speak should fill out a speaker's request card, provided by the Legislative Services Division, and return the speaker's request card to the Legislative Services staff before speaking. The speaker's request card should contain the name, residential address and zip code of the speaker, the date of the meeting at which they are speaking and the name of the person or entity the speaker may be representing and the subject matter or bill number(s) the speaker desires to address. A registered lobbyist providing information on behalf of a registered client may provide a business address in lieu of a residential address on the speaker's card. At public hearings required by law or fixed by the Council, the presiding officer shall extend the floor to a reasonable number of proponents and opponents of the subject matter of the public hearing, and those filing written requests or speakers cards shall be heard prior to other persons who appear at the hearing. Each person addressing the Council shall proceed to the place assigned for speaking, and limit his/her comments to three (3) minutes for public hearing and three (3) minutes for public comments, unless a lesser time is fixed for all speakers by the presiding officer, or further time is granted by the Council. All remarks shall be addressed to the Council as a body and not to any member thereof. No person other than a Council Member or 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. All questions to the Council shall be directed through the presiding officer.

#### **RULE 3.606 SPEAKER'S CARD INFORMATION DISSEMINATION**

The speaker's card shall be displayed on the Council Members' monitors. If the speaker's card cannot be displayed on the Council Members' monitors, the floor leader or the Chair shall read the information required pursuant to Council Rule 3.605 into the record.

### **PART 7. AGENDAS**

#### **RULE 3.701 MATTERS PENDING AGENDA**

All bills shall be placed on the Matters Pending Agenda after introduction (first reading) in the order of their bill numbers and shall remain on the Matters Pending Agenda until adopted, enacted, withdrawn or denied (not adopted or not enacted) by the Council. The Matters Pending Agenda shall note the legislative progress of each bill, including public hearing and committee recommendations. All Committee and Council Agendas are prepared using bill titles and information and action from this master agenda in accordance with Council Rules.

#### **RULE 3.702 COMMITTEE AGENDAS**

(a) Preliminary. Each Legislative Assistant shall prepare and maintain a committee agenda on which shall be placed, in bill number order, all bills referred to the committee and not reported. The agenda shall also contain notations of information such as fact sheets, summaries, correspondence, reports, proposed amendments or substitutes, etc. Bills shall be heard by the Committee in bill number order as they appear on the agenda unless a bill is ordered temporarily

passed by the chair. A bill temporarily passed, shall retain its place on the committee agenda. Upon being reported, a bill shall be removed from the committee agenda.

(b) Post meeting minutes. Post committee meeting minutes shall contain all of the information included on the preliminary agendas as well as any additional information received including meeting times and attendance. The post committee meeting minutes are noted with the Committee recommendation and votes or deferral of bills. The Legislative Services and Research Divisions shall coordinate completion and posting of the post committee meeting minutes.

### **RULE 3.703 COUNCIL AGENDAS**

(a) Council agenda. The Council agenda shall be prepared by the Chief of Legislative Services in accordance with these Rules as a result of recommendations made by the Standing Committees, President or designee, scheduled public hearings and new introductions. There shall be included on the Council agenda, all items to be considered by the Council in the order of business stated in Rule 4.301, and the public hearings to be held by the Council. All bills for first reading shall be placed on the Council agenda in bill number order as new introductions. When the Council agenda has been set, the Chief of Legislative Services shall cause the same to be printed and distributed.

(1) Assigning of first readings. President or the Rules Chair as his/her designee, in coordination with Legislative Services, immediately following the legislative bill filing deadline, shall recommend committees of reference for such Council meeting, subject to the President's approval and/or modification.

(2) Consent. There shall be included on the consent agenda, all bills which have received a favorable report, pursuant to Council Rule 2.204, without a negative vote from each committee of reference and from each agency of the City which is required to comment on the same, and as to which no substitutes or amendments are pending. Bills shall be listed in bill number order, resolutions before ordinances. No bill on first or second reading may be placed on the consent agenda, except resolutions, not ordinances, provided for in Rule 3.305, may be placed on the consent agenda for disposition provided the resolutions meet the criteria of the consent agenda pursuant to this Rule.

(3) Consideration of Consent Agenda. At the appropriate time during a meeting, the presiding officer shall announce the taking up of the consent agenda. Any bill on the consent agenda may be removed therefrom for the purpose of further debate or to record a nay vote at the request of any Council Member, in which case the bill so removed shall be debated and considered immediately following the vote on the consent agenda. At the conclusion of the reading of the consent agenda, but before debate on any removed bills, the presiding officer shall call for one vote on the entire consent agenda, which vote shall be applicable to each bill on the consent agenda (except removed bills) except where a Council Member has stated that he/she desires his/her vote to be recorded as a "nay" vote on a particular bill. No item on the consent agenda shall be removed for the purpose of adding additional Sponsors. Additional sponsors shall be added in accordance with Council Rule 3.103(a).

(b) Addendum. The President may, at any regular meeting, propose an addendum to the agenda, containing bills which the President wishes the Council to consider in addition to the bills on the regular agenda. Bills at any stage of the legislative process may be placed on the addendum to the agenda. The Council may, by a two-thirds vote of the Council Members present, vote to accept all or any portion of the addendum to the agenda, and it shall be in order to move that bills on the addendum to the agenda be considered seriatim for addition to the agenda. The President sets the deadlines or procedures for items to be added to the addendum to the agenda.

## **RULE 3.704 PRINTING OF AGENDAS**

The Legislative Services Division shall print the master agenda, Committee and Council agendas for the use and information of the Council and of the public. The Committee agendas shall be printed no later than the Friday after the regularly scheduled Council meeting. The Council agenda shall be printed no later than the Friday before the regularly scheduled Council meeting. This printing of agendas shall be independent of the legislative process, and the absence of printed agendas shall not delay the progress of any measure at any stage of the legislative process.

## **PART 8. MISCELLANEOUS COMMUNICATIONS**

### **RULE 3.801 RECEIPT OF MISCELLANEOUS COMMUNICATIONS**

The Council Secretary shall receive all miscellaneous communications addressed to the Council. Within the meaning of these Rules, a "miscellaneous communication" is a letter, report, paper or other document which does not relate to a bill under consideration by the Council or any committee. Upon receipt from the Council Secretary, the Chief of Legislative Services shall place the miscellaneous communication on the agenda for the next regular meeting of the Council, unless otherwise directed by the President or the Rules Committee.

### **RULE 3.802 DISPOSITION OF MISCELLANEOUS COMMUNICATIONS**

Miscellaneous communications may, at the discretion of the President, be referred to the appropriate committee for report; provided, that the communications from the Mayor returning passed measures shall not be referred to any committee before they are presented to the Council.

### **RULE 3.803 READING OF MISCELLANEOUS COMMUNICATIONS**

Miscellaneous communications shall not be read to the Council, unless a majority of all the Council Members require such reading.

## **PART 9. LEGISLATION REGARDING ECONOMIC DEVELOPMENT**

### **RULE 3.901 LEGISLATION REGARDING ECONOMIC DEVELOPMENT**

Resolutions requiring only one or two readings pertaining to matters of economic development pursuant to Rule 3.305 and 3.306 shall be subject to the following requirements:

(a) All such resolutions shall be filed with the Legislative Services Division in the time and manner as established in Rule 3.103(b), along with a fact sheet and required materials in accordance with Rule 3.103(d) and Rule 3.103(e). In addition, a schedule setting forth all current and known future appropriations related to City economic development incentive(s) shall be provided by the Office of Economic Development with each resolution at the time of filing.

(b) A copy of the proposed resolution shall be simultaneously provided to the Council Auditor.

(c) The Legislative Services Division shall, no later than two (2) hours after the resolution is filed: (i) upload and post said legislation onto the Legislative Services Division's electronic online bill search database and onto an "Economic Development Incentives Legislation" webpage with a link

accessible from the Council's website, and (ii) notify all Council Members by e-mail of such filed legislation.

(d) One-read resolutions shall be reviewed by the committee of reference which reviews financial matters (as established in Rule 2.102) in the week following the legislation's filing with the Legislative Services Division, on the second or fourth Monday of each month, as applicable, and as set forth in Rule 2.201 (prior to the next scheduled Council meeting). Comments from the public shall be allowed as set forth in Rule 3.603 prior to the committee of reference's consideration of each such resolution. Such committee of reference shall report its recommendation to Council pursuant to Rule 2.204. The Council shall consider and act on such legislation at its next regular scheduled Council meeting. Prior to the Council taking action on the legislation, the Council President shall afford a public comment period in accordance with Council Rules.

(e) Two-read resolutions shall be introduced by Council the week following filing with the Legislative Services Division, and reviewed by the committee of reference which reviews financial matters (as established in Rule 2.102) the first or third week of the month, as applicable. Comments from the public shall be allowed as set forth in Rule 3.603 prior to the committee of reference's consideration of each such resolution. Such committee of reference shall report its recommendation to Council pursuant to Rule 2.204. The Council shall consider and act on such legislation at its next regular scheduled Council meeting. Prior to the Council taking action on the legislation, the Council President shall afford a public comment period in accordance with Council Rules.

## **CHAPTER 4. PROCEDURES**

### **PART 1. MEETINGS; QUORUM**

#### **RULE 4.101 MEETINGS, GENERALLY**

All Council meetings, except as otherwise provided herein, shall be held in the Council chambers on the 1st floor of City Hall, and shall be open to the public. In case of emergency the Council, by resolution adopted by a majority vote of all the Council Members, may designate an appropriate meeting place in a public facility for a meeting open to the public. A special meeting of the Council, called pursuant to Rule 4.103, may also by its call designate an appropriate meeting place in a public facility for a meeting open to the public.

#### **RULE 4.102 REGULAR COUNCIL MEETINGS**

The Council shall hold regular meetings on the second and fourth Tuesdays of each month commencing at 5:00 p.m. except for the second Tuesday in July and the fourth Tuesday in December; and except that when a regular meeting day shall fall on a legal holiday observed by the City, or on an election day, the regular meeting of the Council shall be held on the following day at the same time and place. Notwithstanding any provision in these rules to the contrary, if a regular meeting day shall fall on a date that coincides with the observances of a religious holiday, such regular meeting may be rescheduled at the direction of the Council President.

#### **RULE 4.103 SPECIAL MEETINGS**

The Mayor, or the President, or seven or more Council Members may call a special meeting of the Council upon not less than twenty-four hours notice to every Council Member. Notice of the call of such special meeting shall be in writing, signed by the party or parties making the call and shall be served on every Council Member. The notice shall state the business to be transacted at such meeting, and no other business than that so specified shall be transacted.

Special meetings may be canceled in the same manner in which they were called as stated in the previous paragraph; that is, by the Mayor, the President or all seven or more Council Members who called the special meeting.

#### **RULE 4.104 SHADE MEETINGS**

For the purposes of these Rules, "shade meeting" refers to a meeting of the Council that has been given a limited exception from the Florida Open Meetings Law, and the communications therein are confidential. There are two (2) types of "shade meetings" authorized by Florida Law at the present time:

(a) Collective bargaining - Section 447.605, Florida Statutes, grants a legislative exemption to discussion between a City Council and a Mayor or designee relative to collective bargaining. These discussions are permanently confidential.

(b) Litigation - Section 286.011(8), Florida Statutes, grants a legislative exemption to discussions among the City Council, the Mayor and the City's legal counsel concerning certain matters related to pending litigation. These discussions are confidential until the conclusion of the litigation. The President may direct that Section 286.011(8) consultations be conducted by any standing or special committee.

It is a violation of section 112.313(6), Florida Statutes, for any Council Member to disclose a confidential discussion in order to benefit the Member, or any other person or entity.

#### **RULE 4.105 RECESSED OR ADJOURNED MEETINGS**

The Council at any meeting may recess or adjourn to a time certain on the same or another day, or fix the date and time of a meeting, for transacting any business or specified business only, as may be determined by the Council in taking such action. Provided however, any regular or special meeting of the Council which extends beyond the hour of 12:00 P.M. (midnight) shall be automatically recessed until 9:00 A.M. the following day, unless this rule is suspended by a majority vote of the Council Members present at the meeting. Furthermore, this rule shall not apply to a Council meeting at which a public hearing is being held pursuant to Section 200.065, Florida Statutes, where requirements of said section shall be complied with concerning a recess or adjournment.

#### **RULE 4.106 QUORUM**

(a) A quorum of the council for the transaction of business shall consist of fourteen (14) Council Members, but a lesser number may adjourn from time to time until a quorum is present. While no formal action may be taken without a quorum, the Council may receive input from the public and discuss public business so long as a majority of the Council is present.

(b) A quorum of the Council shall not be required for the purpose of discussing pending litigation pursuant to the provisions of Section 286.011(8), Florida Statutes (shade meetings), as no formal action may be taken or formal business transacted at such discussion meeting.

(c) A quorum of Council shall not be required for receiving public comments.

(d) The determination of a quorum may be made by means of the electric roll-call system. It shall always be in order to suggest the lack of a quorum. If a quorum is lacking, the proceedings may be suspended, adjourned or a call of the Council may be ordered as provided in Rule 4.107.

(e) Upon receiving a written excusal request from the Council Member, the Council President is limited to allowing no more than two excused absences for any regular meeting of the Council, with the exception that additional absences may be authorized for a medical reason for either the Council Member or a relative of the Council Member or when a Council Member is ordered into military service pursuant to state or federal law and has provided notice to the Council Secretary or the Chief of Legislative Services upon receiving such order. Any unexcused absences will be announced for the record at the beginning of each Council meeting. At the outset of each Council year, the Council President shall announce how he/she intends to address absences and excusals in accordance herewith. For the purposes of this Rule, a "relative" shall be as defined in Section 112.3143, *Florida Statutes*.

#### **RULE 4.107 CALL OF COUNCIL**

When no quorum is present, a majority of Council Members (10) may order a call of the Council and compel the attendance of absent Council Members. After the call is ordered, a motion to adjourn, or to dispense with further proceedings in the call, shall not be entertained by the presiding officer until a quorum is present or until the Sergeant-At-Arms reports that, in his/her opinion, no quorum can be obtained on that day. A call of the Council suspends all business before the Council, except the proceedings involved in the call itself. When the call is ordered, the Council Secretary shall call the roll of the Council Members, beginning with the name of the presiding officer and continuing alphabetically until all names have been called; and then he/she shall call over again the names of the absent Council Members, when excuses can be offered. After the second roll call, the doors of the

Council chamber shall be locked and no Council Member permitted to enter or leave. The presiding officer shall issue a warrant, directed to the Sergeant-At-Arms, commanding him/her to arrest and bring before the bar of the Council the absent Council Members named in the warrant, which shall be all the absent Council Members for whom no sufficient excuse was offered, to await the orders of the Council and to attend the meeting of the Council then in session until its adjournment. The Sergeant-At-Arms shall execute the warrant according to its terms and make his/her return that he/she (a) found one or more, or all, of the absent Council Members or (b) could not find one or more, or any, of the absent Council Members. The presiding officer shall arraign each arrested Council Member separately, and the Council Member may offer what excuse he/she may have for being absent from the Council without leave given.

## **PART 2. PRESIDING OFFICER**

### **RULE 4.201 ORDER OF PRECEDENCE**

The President, or in his/her absence, the Vice President, or in their absence, the Rules Committee Chair, shall preside over all meetings of the Council. In the absence of the President, the Vice President and the Rules Committee Chair, at the hour fixed for any meeting, the Council Secretary, or a designee of the Council Secretary, shall call the Council to order, whereupon a temporary chair shall be elected by the Council Members present. Upon the arrival of the President or Vice President or the Rules Committee chair, the temporary chair shall relinquish the chair upon the conclusion of the business immediately before the Council.

### **RULE 4.202 DUTIES OF PRESIDING OFFICER**

The duties of the presiding officer are as follows:

- (a) He/she shall state every question before the Council.
- (b) He/she shall direct the Legislative Services staff to call the roll and record the vote on all matters concerning which the recording of the ayes and nays is required or requested.
- (c) He/she shall announce the results of every vote.
- (d) He/she shall decide all questions of order, subject to Rule 4.203.
- (e) He/she shall announce the order of business and insure the orderly disposition of the items on the agenda.
- (f) He/she shall maintain order and enforce the rules of decorum and discipline.
- (g) He/she shall not debate any matter before the Council, although he/she may offer explanatory and illustrative information.
- (h) He/she shall sign each measure passed by the Council during the meeting at which he/she is presiding officer.
- (i) He/she shall execute the orders of the Council made during the time he/she is presiding officer.

### **RULE 4.203 RULINGS BY THE CHAIR; APPEALS**

The presiding officer shall exercise the discretion afforded by these rules, and shall rule on all questions of order and priority of debate, although he/she may ask the advice of legal counsel, the Council Auditor or his/her staff, the Council Secretary, or his/her staff and the Rules Committee Chair as Parliamentarian. Any Council Member may appeal from any such determination or decision of the presiding officer, in which event a majority vote of the Council Members present shall conclusively determine the determination or ruling appealed from. No other business, except a motion to adjourn or to lay on the table, shall be in order until the question on appeal has been decided.

### **PART 3. ORDER OF BUSINESS**

#### **RULE 4.301 REGULAR ORDER OF BUSINESS**

(a) The business of the Council, unless altered by the discretion of the Council President, shall be taken up at each regular meeting for consideration and disposition in the following order:

1. Call to order
2. Invocation and pledge of allegiance
3. Roll call of the Council Members
4. Approval of the minutes of previous meetings
5. Communications from the Mayor
6. Other miscellaneous communications and presentations
7. Quasi-Judicial actions
8. Consent agenda
9. Public comment upon resolutions on first or second reading, regarding economic development investment incentives and related contracts, agreements and appropriations
10. Action upon resolutions on first or second reading, regarding economic development investment incentives and related contracts, agreements and appropriations
11. Comments from the public
12. Scheduled public hearings
13. Action upon resolutions on third reading
14. Action upon ordinances on third reading
15. Action upon resolutions on second reading
16. Action upon ordinances on second reading
17. Action on resolutions, emergency action
18. Action on ordinances, emergency action
19. Introduction of new resolutions
20. Introduction of new ordinances
21. Unfinished business (postponed)
22. Addition of Addendum to Agenda
23. New business
24. Roll Call
25. Adjournment

(b) Comments from the public given during the public comment times of the meeting, except scheduled public hearing comments, shall be limited to no more than three minutes per person, and in accordance with Rule 3.603, and no person shall be allowed to give or transfer his/her time to speak to another person.

(c) There shall be no more than two (2) presentations, including presentation of framed resolutions, made at any regularly scheduled Council meeting. Council Members shall be allowed two

presentations per Council year, and the remaining presentations shall be at the discretion of the Council President.

#### **RULE 4.302 SPECIAL ORDER OF BUSINESS**

Special Meetings. The business of the Council shall be taken up at a special meeting for consideration and disposition in the following order:

1. Call to order
2. Invocation and pledge of allegiance
3. Roll call of the Council Members
4. Reading of the notice of special meeting
5. Approval of minutes of previous meetings
6. Consideration of business for which the meeting was called, in the general order stated in Rule 4.301.
7. Comments from the public
8. Adjournment

### **PART 4. MINUTES AND JOURNAL**

#### **RULE 4.401 CHIEF OF LEGISLATIVE SERVICES TO MAINTAIN MINUTES AND JOURNAL**

The Chief of Legislative Services shall maintain the minutes of the Council and keep the same as the permanent and public record of the proceedings of the Council. The proceedings shall be electronically or electromagnetically recorded, but they shall be reduced to writing as soon as practicable after the adjournment of the meeting and entered in the Journal. Nevertheless, the electronic and electromagnetic recording shall be kept as a permanent record until destruction is approved by the State of Florida.

#### **RULE 4.402 CONTENTS OF MINUTES**

The minutes shall contain memorandum minutes of all action taken by the council with respect to all matters brought before the Council, and shall state the vote on every question. Where a roll-call vote is taken, the Minutes shall show the names of the Council Members voting for and against the question, respectively. Unless otherwise ordered by the Council, the debate on any question shall not be recorded in the minutes, but all miscellaneous communications and the titles of all bills shall be entered into the minutes, and, if a bill was read in full as provided in Rule 3.501, a statement that the bill was so read shall be inserted.

#### **RULE 4.403 DISTRIBUTION OF MINUTES**

When the minutes have been prepared for approval, the Chief of Legislative Services shall cause sufficient copies of the same to be printed as needed. If any corrections are made to the minutes, the Legislative Services staff shall prepare corrected pages and distribute as needed.

### **PART 5. RULES OF DECORUM**

#### **RULE 4.501 ABSENCE FROM MEETINGS**

Any member who is unable to attend a Council or committee meeting due to sickness or for a duly authorized reason shall notify the Council Secretary or the Chief of Legislative Services, who shall notify the President, committee chair or Legislative Assistant before the meeting convenes. No member present at any meeting of the Council shall absent himself/herself from the meeting without permission from the chair and prior notice given.

#### **RULE 4.502 COUNCIL MEMBERS TO PRESERVE ORDER AND DECORUM**

While the Council is in session, the Council Members shall preserve order and decorum, and a Council Member shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Council, nor disturb any Council Member while speaking, or refuse to obey the orders of the Council or its presiding officer.

#### **RULE 4.503 COUNCIL MEMBERS TO OCCUPY REGULAR SEATS**

No Council Member shall be allowed to vote on any motion or measure, or gain the privilege of the floor, unless he/she is, at the time he/she is voting or seeking to gain the privilege of the floor, at his/her regular seat which he/she occupies in the Council.

#### **RULE 4.504 MANNER OF SPEAKING**

No Council Member at a council meeting or committee meeting shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first being recognized by the presiding officer, rising (at the council meetings), addressing the presiding officer and obtaining his/her recognition. The presiding officer shall recognize the Council Member who has the floor, and call on each subsequent council member to speak. No Council Member shall be interrupted by another without the consent of the Council Member who has the floor, except by rising to assert a question of order. Each Council Member, in speaking on any matter, shall confine himself/herself to the question, shall not use unbecoming, abusive or unparliamentary language, shall not engage in personal attacks on fellow Council Members or on any speaker before the Council, and shall promote, in the manner and substance of his/her speech, the dignity of, and respect for the Office of City Council and the legislative process.

#### **RULE 4.505 DISRUPTION OF MEETING**

Any person who disrupts a Council meeting may be forthwith barred, removed, or otherwise ejected, in the discretion of the presiding officer, from further attendance at that meeting. If necessary due to the nature of the disruption, the audience may be cleared from the Council Chambers or meeting location in the discretion of the presiding officer. Furthermore, the presiding officer shall expect audience members and speakers to conduct themselves with civility and shall expect audience members to refrain from threatening behavior or language. The presiding officer may call upon the Sergeant-At-Arms to enforce directions given by the presiding officer to address violations of this Rule. Disruption of a meeting includes the following types of behaviors:

- 1) Any form of political campaigning or electioneering regarding a specific candidate or group of candidates in City elections;
- 2) Impeding the orderly progress of the meeting by shouting, yelling, whistling, chanting, singing, dancing, clapping, foot stomping, snapping fingers, cheering, jeering, using artificial noise makers or musical instruments, waving signs of any size, or engaging in any other display of excessive noise, sounds, or movement;
- 3) Displaying signs of any sort, except where used to support the speaker's presentation at the podium, and only where the sign is 21 inches by 21 inches or smaller in size and cannot

be displayed in a manner which unreasonably obstructs the view of the dais for any member of the audience, regardless of message;

4) Audible noise from cellphones or other electronic devices;

5) Consumption of alcohol or controlled substances;

6) Making vulgar or offensive remarks or gestures, or using threatening language or gestures, including but not limited to pantomiming discharging a firearm, choking, or throat-cutting;

7) Refusing to stop speaking when his or her time has expired or is otherwise directed by the presiding officer to do so due to disruptive behavior as described herein;

8) Returning to the meeting after having been removed or ejected, or attempting to do so.

“Council meeting” includes regular meetings of Council, standing committees, special or select committees, sub-committees or any other public meeting presided over by a Council Member.

## **PART 6. VOTING**

### **RULE 4.601 MAJORITY ACTION**

Unless otherwise required by the Charter or ordinances of the City or indicated by these Rules, all action by the Council shall be by majority vote of Council Members present, who have not abstained pursuant to Rule 4.602. A majority vote of all the Council Members (10) shall be necessary to approve and adopt each annual budget required by the Charter to be submitted to the Council, or any item thereof, or to adopt or pass any motion or other action appropriating or authorizing the expenditure of money. For quasi-judicial matters, a tie vote of all Council members present and voting shall not constitute a denial of the subject application. In the event of a tie vote on a quasi-judicial matter, the Council may move to reconsider the item for the purpose of moving and acting on an alternate motion, rerefer the item back to the appropriate committee of reference for additional consideration, or take any other action authorized by these Rules or applicable law.

### **RULE 4.602 VOTING REQUIRED**

Each Council Member present at any meeting of the Council shall vote on each question put. No Council Member shall vote on any question immediately concerning his/her private pecuniary interest. In those cases, the Council Member shall abstain from voting and file a statement with the Legislative Services Division explaining the nature and circumstances of the conflict pursuant to Section 112.3132, Florida Statutes. Unless a Council Member abstains from voting because of a conflict as set forth herein above, then any Council Member who refrains from giving his/her vote when required to do so by this Rule shall be deemed to have given his/her vote in the affirmative.

### **RULE 4.603 MANNER OF VOTING**

Votes on procedural matters, including withdrawals, amendments, substitutions and emergencies shall be by voice vote; the vote on the motion to declare these matters shall be by roll call vote. Roll call votes shall be taken by the electric roll-call system. In the case of a voice vote, if the presiding officer is in doubt, or upon the request of four Council Members, the presiding officer shall call for a rising vote, for a division of the Council or for a roll-call vote. If the electronic roll-call system fails or is unavailable, votes on motions may be done by hand vote, and the Legislative Services Division may record the vote of each Council Member by alternative ballot. Each alternative ballot shall be certified by the Chief of Legislative Services.

### **RULE 4.604 CHANGE OF VOTE**

On all roll-call votes, after the vote has been taken but before the announcement of the result, a Council Member may (a) change his/her vote or (b) vote. After announcement of the result, no vote may be changed or taken on the question. The provisions of Rule 4.602 shall not be construed to be affected by this Rule.

#### **RULE 4.605 PROXY VOTING PROHIBITED**

No Council Member shall vote for another Council Member, nor shall any person not a Council Member cast a vote for a Council Member. Any person not a Council Member who shall vote wrongfully in the place of a Council Member shall be excluded from the Council chambers for the remainder of the meeting. The Legislative Services Division may manually enter a Council Member's vote into the electronic roll-call system, only if the Council Member is physically present in the meeting, and can verbally or visibly express their vote on the record and upon the direction of the presiding officer or committee chair. If the electronic roll-call system fails or is unavailable and upon direction of the presiding officer or committee chair, the Legislative Services Division may record the vote of each Council Member by alternative ballot. Each alternative ballot shall be certified by the Chief of Legislative Services.

#### **RULE 4.606 EXPLANATION OF VOTE**

No Council Member shall be permitted to explain his/her vote during a roll-call vote, but may do so for a period of not more than one minute prior to the result of a roll-call vote being announced.

### **PART 7. MOTIONS**

#### **RULE 4.701 MOTIONS: HOW MADE; WITHDRAWAL**

Every motion shall be made orally, unless the presiding officer requests that it be reduced to writing. No motion shall be debated or put to a vote without a second, except for those motions stated in Rule 4.702. When a motion is made and, when required, seconded, it shall be stated by the presiding officer or, being in writing, shall be read by the floor leader, and the mover shall have the floor. After a motion has been stated or read, it shall be deemed to be in the possession of the Council and shall be disposed of by vote of the Council. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended or before a vote thereon shall have commenced, if a majority of the Council Members present consent.

#### **RULE 4.702 MOTIONS REQUIRING NO SECOND**

The following motions do not require a second:

1. Call for a division of the Council
2. Call for the division of a question
3. Call for the orders of the day
4. Motion to receive committee report and agency recommendations
5. Fill a blank
6. Inquiries of any kind
7. Leave to withdraw a motion
8. Nominations
9. Object to the consideration of a question
10. Parliamentary inquiry
11. Point of information
12. Point of order

13. Question of privilege

#### **RULE 4.703 MOTIONS ALLOWING NO DEBATE**

The following motions shall be decided without debate:

1. Adjourn, in any form
2. Amend an undebatable motion
3. Appeal
4. Call for the orders of the day
5. Dispense with the reading of the minutes
6. Fix the time to which to adjourn
7. Lay on the table
8. Limit or extend debate
9. Object to the consideration of a question
10. Other incidental motions, as follows:
  - (a) Close or reopen nominations
  - (b) Division of the Council
  - (c) Division of a question
  - (d) Fill a blank
  - (e) Point of order, information or inquiry
  - (f) Question of quorum present
  - (g) Leave to withdraw a motion
  - (h) Previous question
  - (i) Question of privilege
  - (j) Reconsider an undebatable motion
  - (k) Suspension of the rules
  - (l) Take a recess
  - (m) Take from the table

#### **RULE 4.704 MOTIONS ALLOWING NO AMENDMENT**

The following motions shall be decided without amendment:

1. Adjourn
2. Amend an amendment
3. Appeal
4. Call for the orders of the day
5. Call for a division of the Council
6. Declare a bill to be an emergency measure
7. Fill a blank
8. Leave to withdraw a motion
9. Lay on the table
10. Leave to read papers
11. Nominations
12. Object to the consideration of a question
13. Postpone indefinitely
14. Previous question
15. Question of order
16. Question of privilege
17. Reconsideration
18. Request of any kind

19. Take from the table
20. Take up a question out of its proper order

#### **RULE 4.705 PRECEDENCE**

When a question is under debate, the following motions only shall be entertained and shall have precedence over each other in the following order:

1. Adjourn to a date certain
2. Adjourn
3. Take a recess
4. Lay on the table
5. Previous question
6. Close debate at a specified time
7. Postpone to a day certain
8. Refer to a committee
9. Amend
10. Postpone to a certain time
11. Postpone indefinitely

#### **RULE 4.706 PROPOUNDING QUESTIONS**

The presiding officer shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature; except that in naming sums and fixing times, the largest sums and the longest times shall be put first.

#### **RULE 4.707 MOTIONS WHICH CAN BE MADE BUT ONCE**

Motions to adjourn or recess shall be decided without debate by a majority vote of those Council Members present and voting. Only one substitute for a motion to adjourn shall be entertained. The substitute motion shall fix a different time for adjournment, and the same shall be put without debate, except that one minute shall be allowed the mover of the substitute within which to explain his/her reasons therefor. The substitute motion having been lost, the question shall be put on the original motion which if lost shall preclude any further motion to adjourn until other business shall have intervened.

#### **RULE 4.708 DURING INTRODUCTION AND REFERENCE**

During that part of the agenda in which bills are introduced and referred, no motion shall be entertained by the presiding officer except those concerning references to committees and those provided in Part 9 and Part 10 of this Chapter 4.

#### **RULE 4.709 MOTION TO AMEND TO BE GERMANE**

No motion to amend dealing with a subject different from that under consideration shall be entertained by the presiding officer.

#### **RULE 4.710 DIVISION OF QUESTION**

Any Council Member may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

#### **RULE 4.711 RECONSIDERATION; GENERALLY**

After the decision of any question, it shall be in order only for a Council Member voting on the prevailing side to move a reconsideration at the same meeting, but such motion may be seconded by any Council Member. When a majority of the Council Members present vote in the affirmative but the question is lost because the concurrence of a greater number is necessary for adoption or passage, any Council Member may move for a reconsideration. If a motion to reconsider is lost, it shall not be renewed again. A motion to be considered may be laid on the table or postponed indefinitely, and the effect of such action in either case shall be to defeat the motion to reconsider and to prevent further consideration thereof.

#### **RULE 4.712 RECONSIDERATION; DISPOSITION**

If a motion to reconsider the vote on a main question is made immediately after such vote is taken, it may, at the option of the mover, be decided instantly or left pending. If it is made other than immediately after such vote is taken, it shall be left pending for consideration by the Council. All motions for reconsideration not immediately disposed of shall be considered and disposed of as unfinished business.

#### **RULE 4.713 RECONSIDERATION; COLLATERAL MATTERS**

The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the Council. A motion to reconsider a collateral matter must be disposed of at once during the course of the consideration of the main subject to which it is related and such motion shall be out of order after the Council has passed to other business.

#### **RULE 4.714 PREVIOUS QUESTION**

The effect of a motion for the previous question shall be to bring the Council to a direct vote on the question. If the motion for the previous question is adopted, the Council shall forthwith dispose of pending amendments and the main question in regular order. The motion for the previous question may not be made by the introducer or mover of the bill or proposal.

#### **RULE 4.715 POSTPONE INDEFINITELY**

Motions to postpone indefinitely shall be applicable only to main motions. The adoption of a motion to postpone indefinitely shall dispose of such measure for the duration of the Council meeting at which it is made.

#### **RULE 4.716 LAY ON TABLE**

(a) Motion to table a bill. During a Council meeting, any Council Member may, when a bill comes up for consideration on the agenda, request the concurrence of the presiding officer that it be temporarily passed, retaining its place on the regular Council agenda, to be considered at a later time in the meeting.

(b) Motion to table an amendment. If an amendment is laid on the table, such action shall not carry the main question or any other amendment with it. The motion to lay on the table may not be made by the introducer or mover of the bill or proposal.

**RULE 4.717 NO DELAYING MOTIONS**

No dilatory or delaying motions shall be entertained by the presiding officer.

**PART 8. RULES OF DEBATE**

**RULE 4.801 PRESIDING OFFICER MAY PARTICIPATE IN PROCEEDINGS**

The presiding officer may move, second and debate, subject only to such limitations of debate as are enforced by these rules on all Council Members, and shall not be deprived of any of the rights and privileges as Council Member by reason of his/her acting as the presiding officer. If the presiding officer desires to make a motion, second a motion or debate any question or matter, he/she shall relinquish the Chair to such Council Member as he/she shall designate until he/she has finished his/her debate on said question or matter.

**RULE 4.802 OBTAINING FLOOR**

When a Council Member desires to speak in debate on a subject open to debate, in order to obtain the floor, he/she must first be recognized by the presiding officer, then speak only on matters germane to the business or questions under debate.

**RULE 4.803 INTERRUPTION OF SPEAKER**

A Council Member or official, once recognized, shall not be interrupted while speaking unless it be to call him/her to order for transgressing any rule of the Council or failing to maintain proper decorum. If a Council Member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined by the presiding officer without debate, and if in order, he/she may proceed.

**RULE 4.804 COUNCIL MEMBER TO SPEAK BUT TWICE**

No Council Member shall speak more than twice at any Regular Council meeting on any matter before the Council, nor shall any Council Member speak a second time until every Council Member desiring to speak has had an opportunity to do so once.

**RULE 4.805 TIME LIMIT**

At a Regular Council meeting, no Council Member shall speak more than five minutes the first time nor more than three minutes the second time on any subject, except by permission granted by the presiding officer, and the proponent of the measure shall have not more than two minutes to close.

**RULE 4.806 PRIVILEGE OF FLOOR**

(a) General Exclusion. No person, except Council Members and working employees of the Council, shall be admitted within the rail unless permitted by the presiding officer.

(b) Addressing Council. By permission of the presiding officer, the privilege of the floor shall be extended to a citizen or citizens to address the Council on any matter pending before it or which needs the attention of the Council.

## **PART 9. EMERGENCY LEGISLATION**

### **RULE 4.901 DECLARATION OF EMERGENCY**

The Council may, by a two-thirds vote of the Council Members present, declare an ordinance or resolution to be an emergency measure. All ordinances passed by emergency must comply with the preparation requirements of Rule 3.102(f) (Emergencies). The motion shall be that the Council declare the bill to be an emergency measure and pass the same without regard to separate readings, and the effect of the motion, if carried, shall be to remove the bill from the calendar and bring it immediately before the Council for consideration. The motion to declare a bill an emergency measure shall not be made when the bill is on third reading, unless it has previously been re-referred to a committee.

### **RULE 4.902 DEBATE UPON EMERGENCY AND BILL**

The motion to declare a bill an emergency measure is debatable and, if lost, may be reconsidered. If a motion is made that a bill be declared to be an emergency, the Council shall debate the existence of the emergency and vote on the motion before any debate may be had on the merits of the bill. If the motion to declare the bill an emergency measure carries, the Council shall debate the merits of the bill as fully as if it were in Committee, regardless of its reading status immediately before the motion to declare the bill an emergency measure carried.

### **RULE 4.903 VOTE REQUIRED TO PASS EMERGENCY MEASURE**

(a) In the case of an ordinance being considered as an emergency measure, it shall be necessary for two-thirds of the entire Council to vote for its enactment as an emergency measure.

(b) In the case of a resolution being considered as an emergency measure, it shall be necessary for a majority of the Council Members present to vote for its adoption as an emergency measure.

### **RULE 4.904 EFFECT OF INSUFFICIENT VOTE**

If a bill fails to pass as an emergency measure, it shall not be defeated, but it shall remain on the master agenda with the same status it had immediately before the motion to declare the bill an emergency measure carried.

### **RULE 4.905 CERTAIN ORDINANCES NOT TO BE ENACTED AS EMERGENCY MEASURES**

No ordinance that rezones or modifies the permitted use of real property shall be enacted as an emergency measure unless it meets the reading and public hearing requirements of Section 166, Florida Statutes.

### **RULE 4.906 EMERGENCY DEFINED**

For the purpose of these rules, an emergency measure is an ordinance or resolution needing prompt passage because time is of the essence and a delay in passage will thwart the purposes of the measure and the public interest; or is needed to secure funding for any appropriation; or is needed to secure any agreement which is in the public interest; or is needed to protect the property, health, safety, or welfare of the City or its citizens.

## **PART 10. VETOED LEGISLATION**

### **RULE 4.1001 WHEN CONSIDERED**

An ordinance or resolution, budget appropriation item or sum of money disapproved by the Mayor and returned to the Council shall be considered by the Council at the regular meeting at which it is returned by the Mayor, unless otherwise directed by the President or the Rules Committee. In no event shall consideration of the returned ordinance or resolution, budget appropriation item or sum of money be delayed beyond the meeting of the Council next following its return. An ordinance or resolution, budget appropriation item or sum of money returned as disapproved by the Mayor shall not be subject to the provisions of these Rules with respect to readings, publication, reference (except as provided in Rule 4.1002), amendments and substitutes.

### **RULE 4.1002 REFERENCE TO COMMITTEE**

The President may refer a disapproved ordinance or resolution, budget appropriation item or sum of money to the appropriate committee for reconsideration; this reference may be made as soon as the disapproved measure is received from the Mayor, with instructions that the committee report at the Council meeting at which the disapproved measure will be considered by the Council. The committee of reference, and each of them if more than one, shall file its report without regard to the time limit prescribed by Rule 2.204, but the committee may recommend only that the Council (a) pass the disapproved measure notwithstanding the veto by the Mayor or (b) not pass the disapproved measure.

### **RULE 4.1003 MOTION TO PASS NOTWITHSTANDING VETO**

When the motion is made that the ordinance or resolution, budget appropriation item or sum of money be passed notwithstanding the veto of the Mayor, the President shall put the appropriate question to the Council for consideration and decision, as follows:

- (a) Shall (the ordinance or resolution) be adopted and become effective notwithstanding the veto of the Mayor?
- (b) Shall (the item in the budget appropriation) be adopted as law notwithstanding the veto of the Mayor?
- (c) Shall (the sum of money in the item disapproved or reduced) be restored to the ordinance and become effective notwithstanding the veto of the Mayor?

### **RULE 4.1004 VOTE REQUIRED TO OVERRIDE VETO**

If two-thirds of all Council Members present shall vote "yea" on the question when it is stated as to a vetoed ordinance or resolution, the presiding officer shall declare that the ordinance or resolution has been adopted and become effective notwithstanding the veto of the Mayor; otherwise, that the Mayor's veto has been sustained. If a majority of the entire Council shall vote "yea" on the question when it is stated as to a vetoed item in the budget appropriation or as to a sum of money in an item disapproved or reduced in any ordinance appropriating money, the presiding officer shall declare that such item in the budget appropriation has been adopted as law, or that such sum of money in the item of the ordinance appropriating money has been restored and become effective, as the case may be, notwithstanding the veto or disapproval of the Mayor; otherwise that the Mayor's veto or disapproval or reduction, has been sustained.

## **PART 11. APPOINTMENTS AND CONFIRMATIONS**

### **RULE 4.1101 APPEARANCE BEFORE COMMITTEE**

(a) Each appointee, prior to confirmation, shall be required to appear before the committee to which consideration of the appointment has been referred, and there may be interviewed by any member of the committee or any Council Member.

(b) Each appointee for consideration for reappointment who has an attendance record of less than 75% shall be required to appear before the committee to which consideration of the reappointment has been referred, and there may be interviewed by any member of the committee or any Council Member. The attendance record shall be calculated for the immediately preceding term of the board or commission for which the appointee has been approved by legislation. The attendance calculation shall be calculated on the attendance of the board or commission member for meetings of the full board or commission.

### **RULE 4.1102 VOTE REQUIRED TO APPOINT OR CONFIRM**

The appointment of all officers, employees or appointees of the Council and the confirmation or approval of all appointments of officers, employees and appointees required to be confirmed or approved by the Council shall be by a majority vote of the whole number of the Council Members.

### **RULE 4.1103 CONFIRMATION OF THE GENERAL COUNSEL**

Upon the introduction of any resolution confirming the appointment or reappointment of the General Counsel, Legislative Services shall notify the Clerk of Court, Property Appraiser, Sheriff, Supervisor of Elections, Tax Collector and Chairperson of the Duval County School Board and encourage them to provide oral or written input and guidance to the Rules Committee and any other committee considering said appointment or reappointment, as to the fitness of the appointee to be General Counsel.

Council committees considering the confirmation of a General Counsel appointee should consider the appointee's relative qualifications, including but not limited to his or her integrity, professionalism, academic credentials, standing in the community, management skills, and capacity to work with, and objectively and properly represent, all constituent clients in the consolidated government structure.

## **PART 12. COLLECTIVE BARGAINING**

### **RULE 4.1201 RESPONSIBILITY OF COUNCIL**

Section 447.309, Florida Statutes, establishes the collective bargaining procedure for public employees. In this procedure, the Council, as the Legislative body of the City and of the consolidated government, has a limited and clearly defined role, with respect to both the Mayor, as the chief executive and the primary negotiator, and the public employee bargaining unit, as the recognized representative of the public employees in the bargaining unit. As authorized by the Legislature, the Council has the following responsibilities, and only the following responsibilities, in the collective bargaining process:

(a) The Council, or the special committee on labor negotiations consultation, appointed by the President pursuant to Rule 4.1202, shall consult with the Mayor or his/her designated representative as to the views of the Council concerning negotiations under Section 447.309, Florida

Statutes. Such consultation shall take place only at the request of the Mayor or his/her designated representative and only upon such subjects with respect to the negotiations as are specified by the Mayor or his/her designated representative.

(b) The Council shall examine and either ratify or reject a collective bargaining agreement arrived at as a result of negotiations. This responsibility begins only after the negotiations have been completed; the Council has no part (except as provided in subrule (a)) in the negotiating of the terms and conditions contained in the agreement.

(c) The Council makes the appropriations necessary to fund the provisions of the collective bargaining agreement, at the request of the Mayor. The Council is not obligated to appropriate all of the funds requested by the Mayor, but may appropriate a lesser amount.

(d) The Council shall resolve all impasses arising under the provisions Section 447.403(4), Florida Statutes, in the manner provided therein.

#### **RULE 4.1202 CONSULTATION WITH MAYOR**

The Finance Committee, or a special committee, appointed by the President, which may be a subcommittee of a standing committee, on labor negotiations consultation shall meet with the Mayor or his/her designated representative at any reasonable time when requested to do so by the Mayor or his/her designated representative and consult with him/her on such matters concerning collective bargaining as he/she may bring before the committee. At all times the committee shall endeavor to present the views of the Council, but the committee shall not instruct the Mayor or his/her designated representative nor accompany him/her to any collective bargaining negotiations as official representatives of the public employer or the Council. The committee, and each of its members, is expressly prohibited from consulting, bargaining or negotiating with any employee, employee group (whether or not registered with the Public Employees Relations Commission under Section 447.305, Florida Statutes) or certified employee organization, or any agent or representative thereof, at any time, regardless of whether any collective bargaining negotiations by the Mayor or his/her designated representative are in progress. All consultations by the committee with the Mayor or his/her designated representative are confidential as between the Council and the Mayor or his/her designated representative and are exempt from Section 286.011, Florida Statutes and, if the committee holds an executive session, no minutes shall be taken during the time that the committee is in executive session, notwithstanding the requirement of Rule 2.212(a). It is a violation of section 112.313(6), Florida Statutes, for any Council Member to disclose a confidential discussion in order to benefit the Member, or any other person or entity.

#### **RULE 4.1203 RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT**

(a) General. The Mayor or his/her designated representative may not conclude a collective bargaining agreement unless at least two meetings between the Mayor or his/her representative and a Council Committee concerning said agreement have been held pursuant to Rule 4.1202, Rules of Council. Whenever the meetings required by this rule have been held and thereafter, the Mayor or his/her designated representative and a public employee bargaining unit have concluded a collective bargaining agreement, the same shall be reduced to writing, signed by the persons who negotiated the agreement, or such of them as are authorized to sign the agreement, and approved as to form by the General Counsel or an Assistant General Counsel. No collective bargaining agreement shall be presented to the Council until all of the things required by the preceding sentence have been done, nor shall any such agreement be presented to the Council until the bargaining unit has ratified it. A collective bargaining agreement shall be ratified or rejected by the Council by resolution.

(b) Special Procedures. In considering and debating upon a collective bargaining agreement, the following special procedures shall apply to actions by both the Council and any committee of reference:

(1) The terms and conditions of the agreement may not be amended, and it shall not be in order for any Council Member to offer any such amendment; provided that, if the parties to the negotiations from which the agreement arose jointly request in writing, signed by such parties with the same formalities as the document which it requests to amend, that an amendment be made, it shall be in order to offer an amendment strictly in accord with the request.

(2) No public hearing shall be held concerning the collective bargaining agreement, and no person shall be permitted to offer, suggest or propose changes in the agreement. The prohibition of this paragraph shall not be construed to prevent or prohibit the Council or committee from requesting and receiving information of a factual, financial, statistical or legal nature in order to gain an understanding of the terms and conditions of the agreement, nor to prevent or prohibit the parties to the negotiations from which the agreement arose from proposing changes in writing, signed by such parties, as a result of further collective bargaining negotiations between the parties.

(3) No Council Member shall meet with any employee, employee group (whether or not registered with the Public Employees Relations Commission under Section 447.305, Florida Statutes) or certified employee organization, or any agent or representative thereof, for the purpose of bargaining or negotiating for changes in the collective bargaining agreement or for any other purpose directly or indirectly related to the amendment, ratification or rejection of the agreement.

#### **RULE 4.1204 RESOLUTION OF IMPASSES**

(a) Submission of Recommendations. Whenever there is an impasse under Section 447.403, Florida Statutes and the Council is required to resolve the impasse under Section 447.403(4), Florida Statutes, the Mayor or chief executive officer of the independent agency, as the case may be, shall submit his/her recommendations to the Council in writing, together with the findings of fact and recommended decision of the special master. The bargaining unit shall also submit its recommendations in writing to the Council, before the public hearing on the impasse. The public hearing shall be held by the Council sitting as Committee of the Whole, unless the matter is referred to a standing committee as provided in subrule (b); and the additional procedures prescribed in subrule (b) shall apply to the Council when it is sitting as a Committee of the Whole hereunder.

(b) Reference of Impasse Hearing to Committee. The President may, by letter, refer the public hearing on the impasse to an appropriate standing committee, in lieu of a public hearing by the Council. If the reference is so made, the Committee shall forthwith schedule and conduct a public hearing on the impasse. The procedures set out in Rule 3.602 shall govern the conduct of the public hearing, but the following additional procedures shall also apply during the public hearing and committee debate on the issues involved in the impasse:

(1) The order of business at the public hearing, after the committee is called to order, shall be as follows:

- i. Reading of the findings of fact and recommended decision of the special master;
- ii. Explanation of the position of the public employer with respect to the recommended decision of the special master;

- iii. Explanation of the position of the employee organization with respect to the recommended decision of the special master;
- iv. Comments from the members of the general public who are present and wish to address the committee on the issues involved in the impasse proceeding before the special master;
- v. Consideration of the information presented at the public hearing;
- vi. Decision by the Committee as to its recommendations to the Council for resolution of the impasse;
- vii. Adjournment of public hearing.

(2) If the committee desires, it may adjourn after hearing the comments from the members of the public and consider its decision at an adjourned session of the public hearing or at a later meeting of the committee.

(3) The committee may not consider any issues other than those involved in the impasse before the special master and it shall not be in order for a member of the committee to speak to any issues other than those involved in such impasse issues. It shall not be in order for any person addressing the committee to speak to any issues other than those involved in such impasse.

(4) The members of the committee may ask questions of the persons who address the committee, but they may not bargain with such persons or attempt to exact concessions from such persons in return for particular decisions by the committee. Any such action by a member of the committee shall be strictly out of order and the committee chair shall prevent the continuance of such action, without the necessity for a question of privilege being raised.

(5) The committee may consider only the proposals contained in the recommendations of the special master, the public employer and the bargaining unit. With respect to such proposals, the committee shall have complete power and may combine, change, adopt and reject any elements of such proposals. The decision, recommendation and report of the committee shall address all of the issues involved in the impasse proceedings before the special master.

(c) Debate by Council. When the Council considers its action with respect to the impasse, debate shall be conducted under the usual rules applicable to debate, but the following additional rules of debate shall also apply:

(1) The Council may not consider any issues other than those involved in the impasse, and it shall not be in order for any Council Member to speak to any issues other than those involved in the impasse proceedings before the special master.

(2) The Council may consider only the proposals contained in the recommendations of the special master, the public employer and the bargaining unit, and the recommendations contained in the report filed by the committee which held the public hearing on the impasse. With respect to such proposals and report, the Council shall have complete power and may combine, change, adopt and reject any elements of such proposals and any recommendations in such report. The decision of the Council shall address all of the issues involved in the impasse.

(3) No Council Member may engage in collective or individual discussions with any employee, employee group (whether or not registered with the Public Employees Relations

Commission under Section 447.305, Florida Statutes) or certified employee organization, or any agent or representative thereof, relative to any issue involved in the impasse.

## **CHAPTER 5. CONSTRUCTION, SUSPENSION AND AMENDMENT OF RULES**

### **RULE 5.101 PARLIAMENTARY AUTHORITY**

*Robert's Rules of Order, Newly Revised*, so far as they are applicable and are not in conflict with these Rules or the Ordinances or Charter of the City, shall govern the proceedings of this Council. The Chair of the Rules Committee shall also be Parliamentarian of the Council and shall advise the presiding officer with respect to parliamentary procedure and the proper application of these Rules to the business of the Council.

### **RULE 5.102 INTERPRETATION OF RULES**

It shall be the duty of the presiding officer to interpret all Rules. When used in these Rules, unless the text otherwise indicates:

- (a) The singular includes the plural.
- (b) The masculine includes the feminine.
- (c) "Service" and "served", with respect to a Council Member, means delivery of the notice, orally, electronically or by paper, to the Council Member personally or to someone above the age of fifteen years if served at the Council Member's residence.

### **RULE 5.103 EFFECT OF RULES ON LEGISLATION**

No ordinance, resolution or action duly passed, adopted or taken by the Council shall be held to be invalid because of failure of the Council to comply with or abide by any one or more of the provisions of these Rules if such ordinance, resolution or action would otherwise be valid under the Charter or ordinances of the City or laws of this state but for such provisions of these Rules alleged to have been violated or ignored.

### **RULE 5.104 SUSPENSION OF RULES**

Any Rule may be temporarily suspended, unless such suspension would conflict with provisions of the laws of Florida, the Charter or ordinances of the City, by a vote of two-thirds of all the Council Members (13). The Rules shall not be suspended to amend any Rule or part thereof.

### **RULE 5.105 AMENDMENT OF RULES**

No permanent change shall be made without notice specifying the purpose and wording of the change given at a previous regular meeting of the Council and the adoption of the permanent change by a vote of two-thirds of all the Council Members.

## **CHAPTER 6. PROCEDURES GOVERNING QUASI-JUDICIAL ACTIONS**

### **PART 1. GENERAL PROVISIONS**

#### **RULE 6.101 INTENT; APPLICABILITY**

The intent of these rules is to establish procedures which ensure procedural due process and maintain citizen access to the City land use decision-making process. These rules shall be applied and interpreted in a manner which recognizes both the legislative and judicial aspects of the City land use decision-making process and encourages full participation within the quasi-judicial decision-making process by applicants and other parties who have legal standing to participate, based upon Florida law. (As used herein, the term "party" includes any individual or group who qualifies as an "affected party" pursuant to Rule 6. 302, as well as the applicant.) These procedures shall apply to all quasi-judicial actions of the Council, including but not limited to, site specific rezonings, appeals of final orders of the Planning Commission concerning zoning variances and exceptions, DRI development orders and amendments thereto, historic landmark designations and any other proceeding in which the Council acts in a quasi-judicial capacity.

#### **RULE 6.102 QUASI-JUDICIAL HEARINGS EITHER INFORMAL OR FORMAL**

The quasi-judicial hearings before the Council shall be either informal or formal hearings. An informal quasi-judicial hearing is a hearing in which an applicant, and all interested parties, including the public, may present testimony for or against an application before the Council and the hearing is conducted in accordance with the procedures set forth in Part 2. A formal quasi-judicial hearing is a hearing in which an applicant and any affected parties have the rights and responsibilities set forth in Part 3 of these Rules and the hearing is conducted in accordance with the procedures set forth in Part 3.

#### **RULE 6.103 EVIDENTIARY DETERMINATIONS FOR INFORMAL AND FORMAL QUASI-JUDICIAL PROCEEDINGS**

The Council shall not be bound by the rules of evidence, or limited to consideration of evidence which would be admissible in a court of law. The Council may exclude evidence or testimony which is not relevant, material or competent, or testimony which is unduly repetitious. The Council President or Chair of the Committee of Reference, as the case may be, shall at his or her discretion, render determinations concerning the relevancy of evidence. The Council President, Committee Chair or any Council Member may seek advice from the Office of General Counsel concerning the relevancy of evidence and concerning any other question of evidence.

#### **RULE 6.104 RECORD FOR INFORMAL AND FORMAL QUASI-JUDICIAL PROCEEDINGS**

The following items shall be included automatically in the record of all matters which are quasi-judicial: all written communications received by Council Members or staff concerning an application, the application and application file, the Planning and Development Department report, or other applicable department staff report, resumes of all staff members who testify before the Committee of Reference or the Council, documents previously entered into evidence, minutes or transcripts of previous meetings, any petitions or other submissions from the public and the adopted final order below, if any. The record shall be kept in the custody of the Legislative Services Division at all times during the pendency of the application. These files will be made available for public inspection upon request at any time during normal business hours.

## **RULE 6.105 OFFICIAL RECORD OF PROCEEDINGS**

(a) Committee of Reference. There shall be only one official record of quasi-judicial proceedings before the Committee of Reference. The Council shall designate and provide for a certified court reporter to attend and record verbatim (by shorthand or mechanical means) quasi-judicial proceedings before the Committee of Reference. The court reporter shall thereafter promptly transcribe those proceedings and identify any and all documentary evidence presented to the Committee of Reference during same.

(b) Council. Generally, Council meetings are not recorded or transcribed by a certified court reporter provided by the Council, and the official record of the Council consists of the tapes, minutes and journal of said meetings. A certified court reporter, however, may be designated by the Council President or the Office of General Counsel to preserve the record of quasi-judicial proceedings before the Council. If such a record is prepared, it shall constitute the official record of those proceedings. If the Council does not provide for a certified court reporter to preserve the record at any such proceeding, a party may select its own court reporter to record and/or transcribe all or a portion of a quasi-judicial proceeding before the Council. Any dispute between the parties to a quasi-judicial proceeding as to the selection of a court reporter and/or the designation of the official record of said proceedings shall be resolved by the parties prior to commencement of the scheduled proceeding.

## **PART 2. INFORMAL QUASI-JUDICIAL HEARINGS**

### **RULE 6.201 INFORMAL QUASI-JUDICIAL HEARING PROCEDURE**

(a) If no person files a timely request for a formal quasi-judicial hearing the Council Secretary shall set the matter for an informal quasi-judicial hearing.

(b) The order of presentation at an informal hearing shall be as follows:

- (1) Disclosure of *ex parte* communications by Council Members
- (2) Swearing of witnesses, if requested
- (3) Staff presentation
- (4) Applicant presentation
- (5) Public hearing
- (6) Rebuttal, if requested
- (7) Deliberation and vote, if applicable

The exclusionary rule shall not apply in these proceedings.

(c) Witnesses are not required to be sworn except upon the specific request of the applicant or a Council Member. Such request must be made at the commencement of the hearing, at which time all individuals desiring to speak on the item shall be collectively sworn by the Council President or Committee Chair, as the case may be. Cross-examination of the witnesses is not permitted and deemed waived by all persons or parties. However, this provision does not prohibit a Council Member from asking a question of any person which is relevant to the matter, and the applicant may reserve the right to question witnesses at the beginning of his/her presentation.

(d) The Planning and Development Department staff, or other applicable department staff, shall present any staff, or other report on the matter. Evidence may be presented through oral testimony of witnesses or documentary evidence or both. The Council or Committee of Reference may request information or call any witness deemed necessary to provide information which will assist the Council in making a complete and informed decision.

(e) At the discretion of the Council President or Committee Chair, as the case may be, any person who is not a party to the proceedings may speak for up to 3 minutes for or against the matter if they complete a registration card at the meeting as provided by the Council Secretary. Although the Council President or Committee Chair, as the case may be, may further grant additional time or limit the time of any portion of an informal hearing devoted to public comment by persons who are not parties to the proceeding, an applicant or a party who would qualify as an affected party under Rule 6.302, as well as any member of the public, may request and the Council President or Chair, as the case may be, shall grant additional time as necessary in order to allow sufficient time to provide information which will assist the Council in making a complete and informed decision based upon substantial competent evidence, without unnecessary repetition and delay.

(f) After the public hearing portion, the Council or Committee of Reference shall deliberate and vote, unless the matter is deferred.

### **PART 3. FORMAL QUASI-JUDICIAL PROCEDURES**

#### **RULE 6.301 FORMAL HEARINGS: WHO MAY REQUEST; PROCEDURES**

(a) An applicant and any person or entity entitled to actual written notice, pursuant to Sections 656.124 and 656.136, Ordinance Code, including an eligible registered “neighborhood organization”, as defined in Section 656.124, Ordinance Code, but excluding the affected Citizens Planning Advisory Committee (“CPAC”), in a matter pending before the Council which is quasi-judicial may request a formal hearing before either the Committee of Reference or the Council by filing with the Council Secretary a written request before 5:00 p.m. at least seven (7) calendar days prior to the date upon which the matter is scheduled for a public hearing before the Committee of Reference.

(b) Persons who are not entitled to actual written notice but believe they are an “affected party”, as defined in Rule 6.302(b), may request a formal hearing and determination of affected party status by filing with the Council Secretary a written request for a formal hearing before either the Council Committee of Reference or the Council and a determination of affected party status, as provided in Rule 6.302, before 5:00 p.m. at least seven (7) calendar days prior to the date upon which the matter is scheduled for a public hearing before the Committee of Reference. In the event there are requests for both a Council and a Committee formal hearing, the Committee of Reference shall make the final determination as to which body shall conduct the formal hearing. Failure to timely file a request for a formal hearing may cause the matter to be scheduled for an informal quasi-judicial hearing.

(c) If a person requests a formal hearing as provided in subsection (a) above, or if a person is determined by the Committee of Reference to be an affected party as provided in Rule 6.302 (b) and has requested a formal hearing as provided in subsection (b) above, the Committee may continue the matter and schedule a formal hearing for the next regularly scheduled meeting of the Committee or for another date which is acceptable to the Committee and/or may schedule a formal hearing before the Council.

(d) Regardless of whether the Committee of Reference has conducted a formal hearing or an informal hearing, the Committee of Reference may recommend a formal hearing before the Council either upon the motion of a member of the Committee, at the request of any other Council Member, or at the request of the General Counsel’s Office, by an affirmative vote of a majority of the Committee, taken subsequent to the end of the Committee’s initial deliberations and vote on that item, but prior to the commencement of deliberations on the next item on the agenda, during the Committee meeting at which the Committee is scheduled to report on the matter to the Council.

### **RULE 6.302 AFFECTED PARTY DEFINED; DETERMINATION OF AFFECTED PARTY STATUS**

(a) An “affected” party is any person who is entitled to actual written notice of a matter before the Council pursuant to Sections 656.124 and 656.136, Ordinance Code, including an eligible registered “neighborhood organization”, as defined in Section 656.124, Ordinance Code, but excluding the affected Citizens Planning Advisory Committee (“CPAC”).

(b) A person who is not entitled to actual written notice but who believes that he or she is suffering or will suffer an adverse effect to an interest protected or furthered by the Comprehensive Plan or the Zoning Code and can demonstrate that the alleged adverse effects, if shared in common with other members of the community at large, exceed in degree the general interest in community good shared by all persons, or may file a written request for a determination of affected party status at the same time a formal hearing is requested, at least seven (7) calendar days prior to the Committee of Reference meeting at which the matter is scheduled for a public hearing. All requests for a determination of affected party status shall contain a clear and plain statement of what the adversely affected interest is and how the adverse effect if, shared in common with other members of the community at large, exceeds in degree the general interest in community good shared by all persons. The Committee will consider requests for a determination of affected party status at the scheduled public hearing of the bill, immediately prior to considering requests for a formal hearing. The decision of the Committee shall be final. Failure to timely file a request for a determination of affected party status may cause the matter to be scheduled for an informal quasi-judicial hearing.

### **RULE 6.303 PRE-HEARING CONFERENCE**

Any party to the proceedings or any party determined to be an affected party pursuant to Rule 6.302 herein may request a pre-hearing conference with the Council President or Committee Chair, as the case may be, by filing a written request for such conference at least ten (10) days prior to the date scheduled for the hearing. The granting of such request shall remain in the sole discretion of the Council President or Committee Chair, as the case may be. The purpose of the pre-hearing conference is to review the hearing procedures, identify, clarify and simplify the issues, establish parameters for number of witnesses and length of testimony and stipulate to the introduction of evidence, if possible, and resolve other procedural matters in order to expedite the hearing process, and to discuss the possibilities of settlement.

### **RULE 6.304 THE FORMAL HEARING**

(a) The matter shall be introduced by the appropriate staff and such introduction shall include a brief description of the matter.

(b) The Council Members shall disclose any *ex parte* communications which may have occurred, to the best of their recollection, pursuant to the requirements and procedures established in Chapter 50, Part 2, Ordinance Code, prior to the presentation of evidence by the applicant or affected parties.

(c) In the interest of time, all parties and witnesses may be collectively sworn by the Council President or the Committee Chair, as the case may be. The exclusionary rule shall not apply in these proceedings.

(d) The Planning and Development Department staff or other applicable department staff, shall present the staff report(s) or other pertinent information on the matter. Written reports and any other documentary evidence shall become a part of the record. Evidence may be presented through oral testimony of witnesses or documentary evidence or both.

(e) The applicant and proponent affected parties shall present their evidence first. The applicant's presentation may be preceded by an opening statement. Opponent affected parties shall present their evidence second, and their presentation also may be preceded by an opening statement. The applicant then may present rebuttal evidence. During the hearing, evidence may be presented through oral testimony of witnesses or documentary evidence or both, which shall become part of the record. Witnesses may be cross-examined by the applicant and affected parties. The length of presentations and cross-examinations shall be determined by the Council President or Committee Chair, as the case may be, or as determined in the pre-hearing conference.

(f) Any Council Member may request additional information from the staff, any party, or a member of the public, or call any other witness, including a member of the public, deemed necessary to provide information which will assist the Council in making a complete and informed decision. After the direct examination of a witness is concluded, the witness may be cross-examined by the applicant, affected parties or a Council Member. All questions shall be directed through the Council President or Committee Chair, as the case may be, and the witness shall answer the question unless the Council President or Committee Chair deems the question to be irrelevant or immaterial. Any party or Council Member may raise evidentiary objections. Any questions concerning the relevancy of evidence may be referred to the representative of the General Counsel's Office. The Council President or Committee Chair, as the case may be, shall, at his or her discretion, render determinations concerning the relevancy of evidence. At the discretion of the Council President or Committee Chair, as the case may be, The applicant may present rebuttal evidence as to any testimony solicited by a Council Member pursuant to this subsection.

(g) The inquiry under cross-examination shall be limited to matters raised in the direct examination of the witness. No re-direct or re-cross shall be allowed unless requested by a party stating the desired area of inquiry and the request is approved by the Council President or Committee Chair as the case may be. If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in the cross-examination. This provision shall not limit any Council Member from questioning any person on issues relevant to the matter or application.

(h) The following format is the suggested order of presentation, with corresponding suggested time limits, for each formal hearing:

Suggested Order of Presentation and Time Limits

<u>Order of Presentation</u>	<u>Maximum Time Limit</u>
(1) Council President or Committee Chair reads resolution or ordinance number and opens public hearing.	
(2) Disclosure of ex parte communications by Council Members.	
(3) Swearing of all speakers and witnesses by Council President or Committee Chair.	
(4) Introduction of the matter by Planning and Development Department staff, or other applicable department staff, and staff presentation.	
(5) Opening statement by applicant (or representative).	3 minutes
(6) Opening statements by affected party/parties	3 minutes per party

(or representative(s)). The proponent affected party shall speak first, followed by the opponent affected party. If there are several affected parties, consisting of both Proponents and opponents, they shall determine the order of presentation among themselves prior to the hearing or request the Council President or Committee Chair to do so, in his/her discretion, prior to the hearing.

- |      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                      |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| (7)  | Presentation of evidence by applicant, including qualification of expert witnesses and direct examination of witnesses. Cross examination of each witness shall be allowed after each witness testifies. (Re-direct and re-cross examination, if necessary, shall be allowed at the discretion of the Council Committee or Committee Chair). Further examination by Council Members shall be allowed after each witness.             | 15 minutes                                           |
| (8)  | Presentation of evidence by affected party/parties, including qualification of expert witnesses and direct examination of witnesses. Cross examination of each witness shall be allowed after each witness testifies. (Re-direct and re-cross examination, if necessary, shall be allowed at the discretion of the Council President or Committee Chair) Further examination by Council Members shall be allowed after each witness. | 15 minutes per party                                 |
| (9)  | Public comments:<br>In favor of application<br>In opposition to application                                                                                                                                                                                                                                                                                                                                                          | 3 minutes per individual<br>3 minutes per individual |
| (10) | Rebuttal evidence:<br>Affected party/parties rebuttal to public comments<br>Applicant rebuttal to affected party/parties evidence and to public comments                                                                                                                                                                                                                                                                             | 10 minutes per party<br>10 minutes                   |
| (11) | Closing statements:<br>Closing statement by applicant<br>Closing statement by affected party/parties<br>Closing statement by applicant<br>(Alternatively, the applicant may combine its time before or after the affected party/parties)                                                                                                                                                                                             | 3 minutes<br>5 minutes per party<br>2 minutes        |

(i) Cross examination by the applicant and each affected party shall be limited to 5 minutes per witness.

(j) The suggested time limits set forth above may be extended upon the request of any party to the proceedings, or, with respect to public comments, by a member of the public, at the discretion of the Council President or Committee Chair, as the case may be. The request shall be made in writing prior to the beginning of the hearing on the item and shall specify the additional time required and the reason for the additional time. A request for additional time should be considered to assure fundamental fairness in the proceedings for all parties, as well as the public.

(k) The order of presentation and time limits for all formal hearings may be modified, altered or revised by the Chair or the Council President, as the case may be.

### **RULE 6.305 PUBLIC COMMENTS**

Prior to the close of the quasi-judicial hearing, those members of the public who are not parties to the quasi-judicial hearing may be permitted to speak up to three (3) minutes per person and present their comments, testimony and evidence to the Council or Committee of Reference, as the case may be. Any person may speak for up to three (3) minutes for or against the matter if they complete a speaker card at the meeting as provided by the Legislative Services staff. Neither applicant(s), affected parties, witnesses, nor their representatives shall be allowed to speak during the public comments portion of the proceedings. However, the applicant may present rebuttal evidence as to any matter raised by the public during this portion of the hearing. Members of the public are also encouraged to communication with the Council or Committee in writing prior to the public hearings.

### **RULE 6.306 SUPPLEMENTING THE RECORD**

Supplementing the record after the close of the public hearing is permitted only when authorized by an affirmative vote of the Council or Committee of Reference, under the following conditions:

(a) If a question is raised by a Council Member at the hearing to which an answer is not available at the hearing, the party to whom the question is directed may submit the requested information in writing to the Council or Committee of Reference after the public hearing.

(b) The Council President or Committee Chair, as the case may be, will specifically identify the question to which a response is requested. No additional information will be accepted.

(c) The supplemental information must be filed with the Council Secretary within three (3) working days of the hearing, unless otherwise extended by the Council President or Committee Chair, as the case may be.

(d) The Council Secretary will mail or deliver a copy of the supplemental information to all parties who appeared at the hearing no later than two (2) working days after the supplemental information has been filed.

(e) The other parties may submit a response to the supplemental information within three (3) working days of receipt unless otherwise extended by the Council President or Committee Chair, as the case may be. The response must be strictly limited to issues addressed in the supplemental information. No additional information will be accepted.

(f) If the Council or Committee of Reference decides to supplement the record after the public hearing, the Council or Committee will defer the final vote on the application until the next meeting.

### **RULE 6.307 CONTINUANCES**

The Council or Committee of Reference may, in its discretion, at any time during the hearing, continue the hearing.

### **RULE 6.308 DELIBERATIONS**

Upon receipt of all the evidence, the Council President or Committee Chair, as the case may be, shall close the public hearing. Subsequent thereto, no additional public comments shall be allowed, except in specific response to questions by Council Members. The Council or Committee of

Reference shall then deliberate a motion, if necessary, and reach a decision by voting on the motion. In reaching its decision the Council or Committee of Reference may only consider evidence presented at the hearing and base its decision on the substantial, competent evidence of record. The Council Members shall weigh all the competent, material and/or relevant evidence presented, giving each piece of evidence the weight he or she sees fit. As used herein, the term “substantial, competent evidence” means such evidence as will establish a substantial basis of fact from which the fact at issue can reasonably be inferred; such relevant evidence as a reasonable mind would accept as adequate to support a conclusion. The term “competent substantial evidence” does not relate to the quality, character, convincing power, probative value or weight of the evidence but refers to the existence of some evidence (quantity) as to each essential element and as to the legality and admissibility of the evidence. “Competency” of evidence refers to its admissibility under legal rules of evidence. “Substantial” requires that there be some (more than a mere iota or scintilla) real, material, pertinent, and relevant evidence (as distinguished from ethereal, meta- physical, speculative or merely theoretical evidence or hypothetical possibilities) having definite probative value (that is, “tending to prove”) as to each essential element. Circumstantial evidence is sufficient. Direct evidence is not required.

### **RULE 6.309 ORAL ORDER**

The Council or Committee of Reference shall: (1) orally issue the direction of a proposed final order, including specific findings supporting the direction issued, which shall be reduced to writing by the representative of the Office of General Counsel and then voted upon, or if not reduced to writing at that meeting, then considered and voted upon at the next meeting; or (2) request that proposed final orders be drafted by the applicant and any affected parties and submitted to the Council or Committee of Reference within ten (10) calendar days of the hearing. In the event the direction of a proposed final order is issued orally and the Office of General Counsel prepares a written proposed final order to be voted on at the next meeting, the Office of General Counsel shall provide the applicant and all affected parties with a copy of the proposed final order at least five (5) days prior to the meeting. The applicant and any affected party may submit a proposed final order to the Council or Committee of Reference at least five (5) days prior to the meeting at which vote on the proposed final order is scheduled to be taken.

### **RULE 6.310 FINAL ORDER**

The Council or Committee of Reference shall either:

- (1) approve one of the proposed final orders;
- (2) approve one of the proposed final orders with changes; or
- (3) orally issue its own final order, which shall be reduced to writing by the representative of the Office of General Counsel.

Upon recommendation by the Committee of Reference of a proposed final order, the written order shall be presented to the Council for approval at the next regular meeting of the Council. If the Council is approving an order, it may be considered for approval either at the meeting at which the order is deliberated or at the next regularly scheduled meeting of Council, at which time the order is in final form. The Council President and the Council Secretary shall execute the order. Within ten days of the execution of the order, the Legislative Assistant shall send, by certified mail, a copy of the order to the applicant and the affected parties. The date of rendition of the order shall be the date of mailing by the Legislative Assistant.

## **CHAPTER 7. COUNCIL'S ROLE IN DISASTERS AND EMERGENCIES**

### **RULE 7.101 MEETINGS**

Pursuant to Section 674.206(b), Ordinance Code, upon notice of a proclamation or declaration of a disaster emergency by the Mayor, the Council shall be called into special meeting at the earliest practicable time. At such special meeting, the Mayor shall report to the Council all the facts and circumstances concerning the disaster emergency, as well as the Mayor's plans in connection therewith. The Council by resolution may terminate a state of disaster emergency at any time, whereupon the Mayor shall issue a proclamation ending the state of disaster emergency.

# RULES OF THE COUNCIL OF THE CITY OF JACKSONVILLE

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