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RESOLUTION NO. R2011-75

A RESOLUTION OF THE WELLINGTON, FLORIDA'S COUNCIL  
REVISING THE RULES OF PROCEDURES FOR COUNCIL  
MEETINGS BY MODIFYING THE ORDER OF BUSINESS TO  
MOVE THE PUBLIC COMMENT PORTION OF THE MEETING  
IMMEDIATELY AFTER THE CONCLUSION OF THE REGULAR  
AGENDA; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Wellington's Council adopted Rules of Procedures for Council meetings through the passage of Resolution R2007-16; and

**WHEREAS**, the Council is desirous of amending the Rules of Procedure by giving the public an opportunity to speak on non-agenda matters earlier in the meeting; and

**WHEREAS**, since the passage of Resolution R2007-16 Wellington has built a new City Hall in which it conducts its meetings and therefore up to this point in time, the Rules of Procedure have not been amended to reflect the change in location of those meetings".

**NOW THEREFORE, BE IT RESOLVED BY WELLINGTON FLORIDA'S COUNCIL THAT:**

**SECTION 1.** The foregoing recitals are hereby affirmed and ratified as being true and correct.

**SECTION 2.** The Rules of Procedure governing the conduct of Village Council and ACME Board of Supervisors meetings are hereby amended to reflect the new City Hall location and the alternation in the order of business of the meeting as set forth in Section 5.1 to reflect that the public forum shall take place immediately following the regular agenda.

**1. AUTHORITY:**

The Village Council of the Village of Wellington may adopt its own rules of procedure for meetings to the extent they do not conflict with Section 2-40 of the Wellington Code of Ordinances or general law. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

**2. GENERAL RULES:**

**2.1. Meetings to be Public.** All meetings of the Council shall be open to the public, except for such meetings as are exempt by general law.

**2.2. Quorum.** A majority of the members of the Council shall, free of voting conflict, constitute a quorum and be necessary for the transaction of business. If a quorum is not present, discussion of the issues may take place, but no decision, direction, or vote on a matter shall occur until and unless a quorum is present.

1       **2.3 Requesting Attendance.** The Council may adjourn from time to time to request  
2 the attendance of absent members.  
3

4       **2.4 Attendance through telephone or video conference.** The attendance of a  
5 Councilmember by telephone, conference or other technological means is not  
6 encouraged, but may be allowed by the unanimous approval of Councilmembers  
7 physically in attendance at the location of the meeting. A quorum must always be  
8 physically present at the location where the meeting is taking place. In order to attend by  
9 telephone or video conference, a Village Councilmember must request the opportunity,  
10 to be present by telephone or video conference, prior to the scheduled meeting, preferably at  
11 a previous meeting of the Village Council. The request should indicate the reason for their  
12 physical absence and reasons they believe it is appropriate to participate by telephone  
13 and/or video conference. The requester(s) shall not participate in the deliberation and vote  
14 to allow the offsite participation. Prior to the requesting Councilmember participating in  
15 the meeting by telephone or video conference, the other members physically present at  
16 the meeting, shall have unanimously voted in favor of a motion of approval to allow the  
17 offsite Councilmember's participation in the meeting.  
18

19       **2.5 Minutes of Proceedings.** Minutes of the meetings of the Council shall be kept by  
20 the Village Clerk, except for such meetings as are exempt by general law.  
21

22       **2.6 Right of Floor.** Any Councilmember desiring to speak shall first be recognized  
23 by the Presiding Officer, and shall confine his or her remarks to one subject under  
24 consideration or to be considered  
25

26       **2.7 Village Manager.** The Village Manager or their designee is expected to attend all  
27 meetings of the Council and shall have the right to take part in all discussions of the  
28 Council.  
29

30       **2.8 Village Attorney.** The Village Attorney or their assistant is expected to attend all  
31 meetings of the Council and provide guidance and opinions, on questions of law and shall  
32 act as the Council's parliamentarian by advising the Presiding Officer regarding matters of  
33 procedure.  
34

35       **2.9 Village Clerk.** The Village Clerk or his or her designee shall attend all meetings of  
36 the Council and shall keep the official minutes of proceedings and perform such other  
37 duties as may be requested by the Village Manager or Council.  
38

39       **2.10 Rules of Order.** *Roberts Rules of Order Newly Revised* shall serve as a guide to  
40 the proceedings of the Council. The presiding officer shall enforce parliamentary rules for  
41 the meeting in accordance with *Robert's Rules of Order, Newly Revised*. Any of the  
42 parliamentary rules may be suspended by the vote of four members of the Village Council  
43 for the meeting then in session.  
44

45       **2.11 Meeting Curfew.** In accordance with section 2-34 of the Code of Ordinances all  
46 regular meetings of the Village Council must be adjourned no later than on or about 11:00  
47 p.m. on the date when a meeting is convened, unless the Village Council votes to extend  
48 the time of the meeting. If there is any pending business on the floor at 11:00 p.m. and the

1 meeting is not extended, such pending matters shall be the first business items considered  
2 at the next regularly scheduled Council Meeting.

3  
4 **2.12 Record of Meetings.** Whenever possible, the Village Clerk shall make an audio  
5 and video tape of the Village Council regular workshop and special meetings. However,  
6 any person desiring to appeal a decision of the Village Council will need to ensure that a  
7 verbatim record is made which includes the testimony and evidence upon which the  
8 appeal is based. The Village neither provides nor prepares such records. In the event  
9 an appeal is filed, the party who files the appeal and has used a court reporter to  
10 prepared a transcript of the record shall make such transcripts available to the Village at  
11 their costs.  
12

### 13 **3. TYPES OF MEETINGS:**

14  
15  
16 **3.1 Regular Meeting.** The Council shall meet in the Council Chambers at the City Hall  
17 ~~Community Center~~ or another designated place within the Village boundaries, for  
18 meetings. Regular Council meetings are to commence at ~~6~~7:00 p.m., on the second and  
19 fourth Tuesday of each month, unless otherwise specified.  
20

21 **3.2 Agenda Review.** The Village Council shall meet with Senior Staff, Village  
22 Manager and Village Attorney at ~~3:00~~3:00:00 p.m. the day before the regularly scheduled  
23 Village Council meeting to review matters that will be coming before them at the  
24 upcoming meeting. The meetings shall be an opportunity for Council to questions staff  
25 about the item on the agenda. No formal action or decision will be made by the Council  
26 at the Agenda Review session. The meeting will be open to the public, but public  
27 comment is not permitted unless a majority of the Councilmembers attending the  
28 meeting invites public comment on an issue. The Agenda Review meeting will be held  
29 at ~~3:00~~3:00 p.m. at the ~~Village City Hall~~ located at ~~14000 Greenbriar~~, 12300 Forest Hill  
30 Boulevard, Wellington, Florida, unless another location is chosen instead and noticed by  
31 the Village Clerk.  
32

33 **3.3 Special Meetings.** Special meetings may be called by the Mayor, or in his or her  
34 absence, the Vice Mayor, or without regard to the presence or absence of the Mayor or  
35 Vice- Mayor, a special meeting may be called upon the request of three or more members  
36 of the Village Council and as otherwise provided by the Village Charter. The call for  
37 special meetings shall be filed with the Village Clerk, except that an announcement of a  
38 special meeting during any regular meeting shall be sufficient notice of such special  
39 meeting unless otherwise provided by general law or ordinance. Unless the meeting is of  
40 an emergent nature, there shall be a seventy two (72) hour notice to each Councilmember  
41 and the public, of any special meeting of the Council. At a meeting called as an  
42 emergency meeting, the Village Council's first order of business shall be to discuss the  
43 nature of the emergency and affirm by majority vote that emergent conditions exist,  
44 justifying the special meeting. Only after such motion and vote can the Council conduct  
45 any other business.  
46

47 **3.4 Workshop Meetings.** Meetings called as workshop meetings are intended to  
48 provide information to Councilmembers about items on the agenda. Discussion on the

1 matters presented to Council, at a workshop, is expected to be less formal, as no  
2 dispositive motion may be made at a workshop. Public comment, concerning a matter on  
3 the workshop meeting agenda, shall only be allowed after receiving the consent of a  
4 majority of the Councilmembers attending the meeting. Workshop meetings will be  
5 scheduled for the third Tuesdays of each month as needed, beginning at 5:00 p.m. The  
6 workshop meetings shall be held at the Village City Hall located at 44000 Greenbriar  
7 12300 Forest Hill Boulevard, Wellington, Florida, unless another location is designated by  
8 the Village Clerk.  
9

#### 10 **4. PRESIDING OFFICER AND DUTIES:**

11  
12 **4.1 Presiding Officer.** The Mayor, if present, shall preside at all meetings of the  
13 Council. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of  
14 both the Mayor and the Vice Mayor, the meeting shall be called to order by the Village  
15 Clerk for the purpose of electing a temporary presiding officer.  
16

17 **4.2 Call to Order.** The meetings of the Council shall be called to order by the  
18 Presiding Officer.  
19

20 **4.3 Preservation of Order.** The Presiding Officer shall preserve order and decorum,  
21 prevent attacks on personalities or the impugning of members or motives, and confine  
22 members in debate to the question under discussion.  
23

24 **4.4 Points of Order.** The Presiding Officer shall determine all points of order, subject  
25 to the right of any member to appeal to the Council. If any appeal is taken, the question  
26 shall be, "Shall the decision of the presiding officer be sustained?" A majority of the  
27 Council sitting and eligible to vote is required to reverse the ruling of the Presiding  
28 Officer.  
29

30 **4.5 Voting.** The manner in which voting on a motion takes place, shall enable the  
31 Village Clerk to ascertain the individual vote of all Councilmembers present and voting  
32 on the matter. All Councilmembers shall vote on any issue that comes before the  
33 Council, if they are present at the dais or otherwise able to cast the vote, unless they  
34 have a voting conflict as defined in Florida Statutes.  
35

#### 36 **5. ORDER OF BUSINESS**

37  
38 **5.1 Order of Business.** The general rule as to the order of business in regular  
39 meetings shall be as follows:  
40

41 Call to Order  
42 Pledge of Allegiance  
43 Invocation  
44 Approval of Agenda  
45 Consent Agenda  
46 Presentations and Proclamations  
47 Public Hearings  
48 Regular Agenda

1            Public Forum  
2            Attorney's Report  
3            Manager's Report and Updates  
4            Council Reports  
5            Closing Comments  
6            Public Forum  
7            Adjournment  
8

9            **5.2 Agenda.** The Village Manager and Staff shall prepare Agenda Items that they  
10 believe should be on the Agendas for the upcoming meetings. The order of business of  
11 each regular meeting shall be as contained in the Agenda. The Agenda shall be a listing  
12 by topic of subjects to be considered by Council. Any and all requests to place an item on  
13 the agenda shall be presented to the Village Manager by 5:00 p.m. of the 45<sup>th</sup> 43<sup>th</sup>-day  
14 prior to the regular meeting. The Village Manger shall use his discretion in determining  
15 whether a matter should be placed on an agenda and on which upcoming agenda the  
16 matter should be presented to Council. In most cases, an item will have to be presented  
17 to the Village Manager at least 3022 days prior to its inclusion on an agenda. Generally, a  
18 preliminary agenda will be published by 12:00 noon on Tuesday, one week prior to the  
19 regular meeting. The Village Manager may delete items from the printed preliminary  
20 agenda with or without the consent of Council, but any items added to the agenda, after  
21 the publication of the preliminary agenda are subject to the approval of Council. When  
22 practical, backup material relating to regular meeting agenda items are to be presented for  
23 the record, and shall be given to the Council by 7:00 p.m. on Wednesday, ~~Thursday~~, prior  
24 to the regular meeting. The Village Staff shall attempt to provide Council with workshop  
25 meeting packets ready for distribution by 7:00 p.m. on Thursday, ~~Friday~~, prior to the  
26 meeting to which it pertains. If regular meetings are held other than on the scheduled  
27 meeting dates, a similar lead time schedule for agenda and packet materials shall be  
28 followed.  
29

30            **5.3 Agenda Approval.** Once an item is placed on a final agenda for a specific  
31 meeting, every effort will be made to discuss that item as scheduled. It may be deleted  
32 only if the Council agrees to delete it. Should a Councilmember know he/she will be  
33 absent from a Meeting and wishes to have discussion postponed, he/she should notify the  
34 Village Manager. The Village Council will decide at the Meeting whether or not to honor  
35 the request. The request must be approved by a majority of Councilmembers present and  
36 voting in order for the item to be deferred. The Council will not take action upon any item  
37 which is not listed upon the final agenda unless a majority of the Council shall have first  
38 consented to the presentation thereof for consideration and action.  
39

40            **5.4 Presentation by Members of Council.** The Agenda shall provide times when the  
41 Mayor, Councilmember, Village Manager and Village Attorney may bring before the  
42 Council any business that he or she feels should be deliberated upon by the Council.  
43 These matters need not be specifically listed on the Agenda, but may be acted upon only  
44 upon an extraordinary vote of the Council members present and eligible to vote on the  
45 matter. Except in instances where extraordinary conditions are necessitated, the Mayor  
46 and Council shall notify the Village Manager of forthcoming agenda topics by Tuesday at  
47 5:00 p.m. of the week prior to the meeting at which the matter is to be addressed and  
48 strive to supply backup materials for timely distribution with the agenda packets.

1  
2 **5.5 Consent Agenda.** The Consent Agenda should be used to handle routine matters  
3 on the agenda expeditiously. There is no separate discussion of these items unless a  
4 Councilmember requests an item be removed for consideration in its normal sequence on  
5 the agenda. The approval of the Consent Agenda is usually handled in one motion from  
6 the Council table, "I move that the Consent Agenda, (the agenda number and item  
7 numbers may be included) be approved; or if items are to be removed, "for good cause" or  
8 "discussion", a typical motion might be, "I move that we approve the Consent Agenda  
9 items \_\_\_ through \_\_\_ with the exception of item \_\_\_ for discussion.  
10

11 **5.6 Agenda Items Presentation and Action.** The order of presentation and  
12 discussion for an Agenda Item, other than a quasi judicial matter is as follows:  
13

- 14 • Presentation of the item by a Councilmember or Staff
- 15 • Discussion and questions by the Council
- 16 • Motion and second by Council
- 17 • Comments from the Public
- 18 • Further Council Discussion
- 19 • Council action  
20

21 **5.7 Public Participation.** The public is encouraged to offer comments to the Council  
22 at the regular meetings on agenda items. Members of the public should endeavor to be  
23 prepared prior to the meeting on issues or questions they wish to raise. Therefore, to  
24 facilitate good communications, members of the public are encouraged to ask questions to  
25 the Council and its professional and consultant staff and become informed outside of the  
26 confines of the meeting. To further facilitate timely and accurate responses to the public,  
27 staff will generally be directed to respond to questions from the public that do not relate  
28 directly to the matters on the agenda outside of the meeting. Whenever a member of the  
29 public has a comment on an Agenda Item, he/she should express that comment after a  
30 motion has been made and seconded. A Public Comment Card should be completed  
31 prior to the end of the public comment period and submitted to Staff. The resident will then  
32 have three minutes to make his/her presentation. At the end of the allotted time, the timer  
33 will sound and the resident will have 15 second to finish after which the microphone may  
34 be turned off. Slanderous and negative personal remarks will not be permitted.  
35

36 **5.8 Quasi Judicial Proceedings.** The Village Attorney and Village Staff shall identify  
37 matters on the agenda that are quasi judicial in nature. For those matters all witnesses  
38 who wish to testify shall first be sworn and shall be subject to cross examination. Any  
39 person or representative who wishes to conduct a cross examination of witnesses or  
40 present argument on behalf of themselves, their principals, or their clients, shall notify the  
41 Village Clerk of such intent by 5:00 p.m. of the day preceding the meeting at which the  
42 matter is to be considered. The Village Council and Village Attorney may question any  
43 person who presents testimony or argument concerning the quasi judicial matter. The  
44 order of presentation of quasi judicial matters before the Village Council shall be:  
45

- 46 1. Swearing in of witnesses.
- 47 2. Disclosure by Councilmembers of ex parte communications
- 48 3. Overview and staff recommendation presented by Village Staff.

- 1 4. Presentation by Applicant/Petitioner including cross-examination of Village  
2 Staff.
- 3 5. Presentation by representatives/persons who have given notice to the  
4 Village Clerk of their interest in the matter, by the close of business on the  
5 day prior to the meeting. Such presentation shall include cross  
6 examination of Village Staff and Petitioner's witnesses.
- 7 6. Comments from members of the public. Petitioner and interested  
8 representatives/persons may cross examine the members of the public  
9 immediately after their comments are made.
- 10 7. Final arguments by Petitioner and interested representatives/ persons.
- 11 8. Final questions from Village Council and/or Village Attorney. Close of  
12 evidence.
- 13 9. Deliberations and disposition by Village Council. The Village Council may  
14 adjourn the proceedings to further deliberate, consider additional  
15 evidence, or request the Village Attorney prepare and bring back for  
16 consideration a final order based on their deliberations. The Village  
17 Council may move approval and or denial, without any further delay.
- 18

19 Unless granted additional time by a vote of the majority of the Village Council,  
20 Presentations shall be limited to 20 minutes for petitioners, 15 minutes for those  
21 registered interested representatives/person, and three minutes for comments by  
22 members of the public, with cross examination of members of the public limited to two  
23 minutes per examiner. Final arguments shall be limited to 5 minutes. Petitioners or  
24 interested parties wishing to include documentary evidence ~~or~~ and/or written argument  
25 to the Village Council shall file 10 copies of such information with the Village Clerk at  
26 least four working days before the scheduled hearing. The Village Clerk shall distribute  
27 copies of the information to the Village Council, prior to the meeting. Documentary  
28 evidence and/or written argument not given timely to the Village Clerk may not be  
29 considered by the Village Council. Any objections made to either the procedural  
30 matters or evidence presented at the hearing shall be ruled on by the Village Council  
31 after considering the advice of the Village Attorney.

## 32 33 **6. ORDINANCES, RESOLUTIONS, AND MOTIONS:**

34  
35 **6.1 Requests for Ordinances, Resolutions or Opinions.** Any Councilmember may  
36 request the Village Manager or Village Attorney to prepare or have prepared proposed  
37 ordinances or resolutions. Any Councilmember or the Mayor may request a legal opinion  
38 of the Village Attorney.

## 39 40 **7. PUBLIC FORUM:**

41  
42 **7.1 Speaking Privilege.** All public presentations are subject to the Village Council's  
43 discretion. The following guidelines will be used for developing the list of speakers and for  
44 conduct of the forum.

45  
46 **7.2 Addressing the Council.** Any person desiring to address the Council by oral  
47 communication on any subject not already on the Council Meeting agenda shall first  
48 secure the permission of the Presiding Officer. Preference will be given to those persons

1 who have notified the Village Manager by 5:00 p.m. of the Monday two weeks prior to the  
2 regular meeting of their desire to speak and to have their name placed on the Agenda.  
3

4 **7.3 Manner of Addressing the Council – Time Limit.** Each person addressing the  
5 Council shall approach the microphone, shall give his or her name and address and the  
6 organization or group they represent if any, in an audible tone of voice for the record  
7 and, unless further time is granted by the Council, shall limit their address to three (3)  
8 minutes. All remarks shall pertain to Village business and shall be addressed to the  
9 Council as a body, and not to any member thereof. ~~No person, other than members of~~  
10 ~~the Council or Mayor, and the persons having the floor, shall be permitted to enter into~~  
11 ~~any discussion, either directly or through the members of the Council. No questions~~  
12 ~~shall be asked of the Councilmembers or staff, except through the Presiding Officer.~~  
13 The person's comments will be reflected in the record of the meeting. The Council shall  
14 refrain from any immediate response or reaction to the comments. During the Council's  
15 comments, if a response or action is warranted, they will direct the Manager to attend to  
16 the situation and report back to the Council at a future date.  
17

18 **7.4 Extended Presentation.** If any member of the public wishes to address the  
19 Council for more than three minutes, the item will need to appear on the agenda. To be  
20 placed on an agenda, the individual should contact the Village Manager. The individual  
21 may ask for up to fifteen (15) minutes to make a presentation. At the time of the request,  
22 the individual will need to present the Village Manager with a brief outline of the  
23 presentation. The outline shall include the requesting name and address, whether they  
24 are a resident of the Village, and whether they are representing another person, group, or  
25 entity, and if so, who that person group or entity is and the address of that person group or  
26 entity. Requests to be placed on an agenda must be received by the Village Manager  
27 5:00 p.m. of the Monday of the week prior to the meeting, at which the individual wishes to  
28 speak.  
29

30 **7.5 Personal and Slanderous Remarks.** Any person making personally offensive,  
31 impertinent or slanderous remarks, or who shall become boisterous or use offensive  
32 language, while addressing the Council, may be requested to leave the meeting.  
33

34 **7.6 Reading of Protests.** Interested persons, or their authorized representatives, may  
35 address the Council for the reading of protests, petitions, or communications relating to  
36 any matter over which the Council has control when the item is under consideration by the  
37 Council.  
38

39 **7.7 Referral of Citizens' Complaints.** The Mayor or Councilmembers, individually,  
40 and the Village Council may, while in session, collectively, through motion, refer citizens  
41 complaints to staff or an appropriate Village Committee.  
42

43 **7.8 Written Communications.** Interested parties, or their authorized representatives,  
44 may address the Council by written communication on any matter of business  
45

46 **7.9 Challenges to Staff and Advisory Body Recommendations.** Anyone who is  
47 challenging a staff and advisory body recommendation, concerning an item not on the  
48 agenda, must submit a request in writing to be placed on the agenda at least fifteen (15)



1 days before the upcoming regular meeting. The request must contain a written  
2 memorandum setting forth in detail the specific rulings or findings to which they object and  
3 stating any Florida Statutes, case law, or sections of the Land Development Code,  
4 Comprehensive Plan or ordinances of the Village of Wellington on which they are basing  
5 their objection. Council may not consider a challenge to administrative decisions requiring  
6 Planning, Zoning and Adjustment Board review or decisions of other Village Boards over  
7 which the Council lacks review jurisdiction.

8  
9 **7.10 Meeting Decorum.** The Mayor may turn off the microphone at the podium at any  
10 time he/she feels these guidelines or rules of order are being violated. Further, the  
11 Council may ban violators of meeting procedures from speaking at future meetings.

12  
13 **8. SUSPENSION AND AMENDMENT OF THESE RULES:**

14  
15 **8.1 Suspension of Rules.** Any provision of these rules not governed by the Village  
16 Charter or Village Code may be temporarily suspended by a vote of a majority of all the  
17 Councilmembers.

18  
19 **8.2 Amendment of Rules.** These rules may be amended, or new rules adopted, by  
20 a majority vote of all members of the Council, provided that the proposed amendments  
21 or new rules shall have been introduced into the record at a prior Council meeting.

22  
23 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this  
24 Resolution conflict with any section, paragraph, clause or phrase of any prior Village  
25 Resolution, then in that event the provisions of this Resolution shall prevail to the extent  
26 of such conflict.

27  
28 **SECTION 4:** Should any section, paragraph, sentence, clause, phrase or other part of  
29 this Resolution be declared by a court of competent jurisdiction to be invalid, such  
30 decision shall not affect the validity of this Resolution as a whole or any portion or part  
31 thereof, other than the part so declared to be invalid.

32  
33 **SECTION 5:** This Resolution shall be effective immediately upon adoption.

34  
35 **PASSED AND ADOPTED** this 11th day of October, 2011.

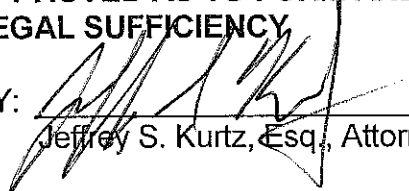
36  
37 **ATTEST:**

**VILLAGE OF WELLINGTON**

38  
39 BY:   
40 Awilda Rodriguez, Wellington Clerk

By:   
Darell Bowen, Mayor

41  
42 **APPROVED AS TO FORM AND**  
43 **LEGAL SUFFICIENCY,**

44  
45 BY:   
46 Jeffrey S. Kurtz, Esq., Attorney for Wellington