

**Agenda Item 7.H
Meeting of 8/16/23****RESOLUTION 2023-15153**

A RESOLUTION FOR THE PURPOSE OF AMENDING THE RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS, AS LAST AMENDED BY RESOLUTION 2023-15059, TO MODIFY RULES RELATED TO MEETING DECORUM, REMOTE PARTICIPATION BY CITY COUNCIL MEMBERS, AND PUBLIC COMMENT; REPEALING RESOLUTION 2023-15059, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Naples City Council, as the duly elected governing body for the City of Naples holds regularly scheduled public meetings to discuss, review and act upon items of concern, which affect the residents of the City; and

WHEREAS, Exhibit A of Resolution 2023-15059, as previously amended by Resolutions 13-13267, 15-13710, 16-13801, 2018-14148, 2021-14600, 2021-14640, 2022-14922 and 2023-15019, currently sets forth the Rules of Procedure for City Council meetings; and

WHEREAS, since adoption of Resolution 2023-15059, recent federal case law governing the enforcement of order in public meetings requires the adoption of standard written procedures for enforcement of decorum rules, including, if necessary, the removal of persons who are attempting to prevent the City Council from conducting public business; and

WHEREAS, rules relating to City Council meeting decorum are found in Paragraphs 6(D)(3); and

WHEREAS, Florida Attorney General Opinion 03-41 provides that "where a rule or statute contemplates that a meeting will be held in a public place with the members physically present, the participation of an absent member in the meeting by telephone conference should be permitted only in extraordinary circumstances and when a quorum of the board members is physically present at the meeting. Whether the absence of a member due to a scheduling conflict constitutes such a circumstance is a determination that must be made in the good judgment of the board"; and

WHEREAS, Resolution 2017-13970 requires participation based on a finding of "good cause" by the City Council and defines "good cause" to mean "that the member cannot attend in person due to illness, personal or family matter, absence from the area, unavoidable scheduling conflict or other good reason"; and

WHEREAS, clarification of Section 5(D) is needed to better reconcile the terms used in Resolution 2017-13970 and AGO 03-41; and

WHEREAS, although Sections 3(a), 6(d)(3)(i), 9(c), and 10(b) were modified in Resolution 2023-15059 to provide for public comment at the beginning and end of a city Council meeting, further changes are needed to better balance the need for public input and efficient public meetings; and


WHEREAS, adoption of the changes set forth in this Resolution are in the best interest of the residents of the City of Naples;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

- Section 1.** That the above "Whereas" clauses are incorporated by reference as if stated herein in their entirety.
- Section 2.** That the Rules of Procedure of the City Council adopted by Resolution 2023-15059 are hereby amended to revise Sections 3 5(D), 6 (A)(i), 6(D)(3)(i), 6(D)(3)(vii)-(ix) and to create a new Section 6(D)(4) as provided in Exhibit A to this Resolution.
- Section 3.** That Resolution 2023-15059, which last amended the City Council Rules of Procedure, is hereby repealed and superseded.
- Section 4.** That this Resolution will take effect immediately upon adoption.

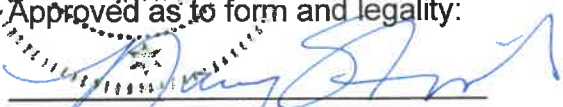
PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 16TH DAY OF AUGUST, 2023.

Attest:


Patricia L. Rambosk, City Clerk


Teresa Lee Heitmann, Mayor

Approved as to form and legality:


Vose Law Firm, City Attorney

Date filed with City Clerk: 8-17-23

Exhibit A

**AMENDED
CITY COUNCIL
RULES OF PROCEDURE
~~CITY COUNCIL~~
CITY OF NAPLES, FLORIDA
(As of August 16, 2023)**

Preamble

These Rules of Procedure (the "Rules") are established to facilitate an organized transaction of city council meetings, to ensure that the public's business is conducted in the spirit of transparency, efficiently and effectively for the benefit of the public, and to promote cooperation in the deliberation of public policy. These Rules are designed to provide for thoughtful debate and action in a fair manner. These Rules are intended to protect the right of the public to be heard and considered, the right of the minority to be heard, the rights of individual council members, and the right of the majority to decide.

Section 1. Applicability of these Rules

- A. Except as otherwise required by law, these Rules will govern all proceedings of the city council. The failure to adhere to these Rules shall not create a cause of action or the basis of appeal or challenge to any matter before the city council except in quasi-judicial matters as provided in Section 10 of this document. If these Rules conflict with the City Charter, the Naples Code of Ordinances (the "Code"), or Florida Statute, the applicable Charter, Code, or Florida Statute will govern.
- B. Naples city government is a council-manager form of government. Except as prescribed in the City Charter, the Code, or Florida Statutes, or these Rules, the mayor will have no greater authority than any other council member.
- C. By majority vote, the city council may suspend these Rules for a stated purpose unless otherwise prohibited by the City Charter, the Naples Code of Ordinances, or Florida Statutes. A motion to suspend these Rules is not debatable and requires a majority vote.

Section 2. Meeting Schedule

- A. The city council shall hold regular meetings no less than twice each month. The meetings shall usually be held on the first and third Wednesdays of each month at 8:30 a.m.; however, the city council may, on a majority vote of the members present at a regular meeting, cancel a regular meeting and reschedule the meeting at a time fixed by the majority. The city council may, by resolution or ordinance, schedule additional regular meetings of the city council when the business of the city so dictates and such additional regular meetings shall be held on a day and time fixed in the resolution or ordinance. (See Sec. 2-51, Code of Ordinances)
- B. By December of each calendar year, by vote the city council will schedule regular and workshop meetings for the following calendar year.

- C. The city council may hold special meetings at any time pursuant to due notice being given in writing by the mayor or a majority of the city council. The notice shall specify the subject matter of the special meeting. (Sec. 2-52, Code of Ordinances)
- D. The city council may hold emergency meetings from time to time as permitted by the City Charter, the Code, and Florida Statutes.
- E. From time to time, city council may meet in executive session, which is closed to the public. City council may meet in executive session only concerning subject matter that is specifically authorized by Florida Statute. Such meetings may be stand-alone meetings or as portions of other meetings and noticed as required by Florida law.
- F. The city council will hold workshop meetings on the Monday before the third Wednesday of each month at 8:30 a.m. If that date is a legal holiday, the workshop meeting will be held on the following day. By majority vote of the council members present at a regular meeting, city council may cancel a future workshop meeting, add a workshop meeting on a specific date and time, or after discussion at a workshop, the city manager may cancel a workshop meeting.
- G. The city council may recess any regular or special meeting, provided such recessed meeting shall be to a future day and hour to be specifically provided for in the motion for such recess. The recessed meeting shall not be later than the next regular meeting, and any such recessed meeting shall not be held at any hour or time other than as specified in such resolution. (Sec. 2-55, Code of Ordinances)
- H. The city council shall be presumed to be "in session" at all times except when the city council has specifically declared that it is "not in session" by resolution of the city council adopted by majority vote at any regular or special meeting. Such resolution shall state the dates during which the city council shall not be "in session". In the event the city council meets in regular or special session during any time within the dates set forth in a resolution as a time the city council is deemed "not in session", such resolution shall be deemed abrogated as of the opening of such regular or special city council meeting. The mayor shall inform the city council of any instruction given to the city manager, city attorney, or city clerk and any action taken or decision made when the city council was not in session at the next regular or special city council meeting. (Sec. 2-57, Code of Ordinances)

Section 3. Meeting Agenda

A. The city manager will prepare the agenda for each city council meeting. In preparing the agenda, the city manager will consult with the mayor concerning items appearing on the agenda and the need to assign a certain time for an item to be heard or a time limitation on a discussion by the city council of a specific agenda item. Unless otherwise directed by the mayor prior to a city council meeting or city council during a city council meeting, the order of the agenda shall be as outlined below. Please note that any council member may remove an item from the consent

agenda, which will be heard under regular business (items removed from consent agenda).

1. Call to Order and Roll Call
2. Invocation and Pledge of Allegiance
3. Set Agenda (add or remove items and vote)
4. Announcements and Presentations (including interviews of applicants for appointed boards, committees)
5. Public Comments ~~*(Agenda Items only)~~
6. Consent Agenda
 - a. Minutes
 - b. Resolutions
 - c. Other
7. Public Hearings
8. Regular Agenda
 - a. Items Removed from Consent Agenda
 - b. Land Use Matters (related items to be voted on separately)
 - c. Old Business
 - d. New Business
9. Ordinances (Legislative)
 - a. First Reading
 - b. Second Reading
10. Public Comments~~** (Non-Agenda Items)~~
11. Communications from Mayor, City Council and Staff
12. Adjournment

* The public is ~~invited and~~ encouraged to provide public comment at the time of an the agenda item; however the public has the option to address City Council in advance of the agenda item during ~~this~~ Public Comment time at the beginning of the meeting if the member of the public cannot stay for discussion of the agenda item at the time of its presentation. ~~**During Public Comment, the public is invited and encouraged to provide their opinion and information public comment on any topic not otherwise on the agenda at this time.~~

- B. Council members may request items to be placed on a future agenda during "Communications" with support of a majority or at least 3 other council members.
- C. The city manager will include with each agenda item an agenda memorandum and all supporting documents, including that may be necessary for city council to make an informed decision (collectively the "agenda packet"). Any requests for remote participation by a petitioner or member of the public shall be received by the city manager and mayor no later than the day the agenda is distributed. Any presentation materials shall be due no later than noon on the day of agenda distribution. A council member may request a continuance of the agenda item at the beginning of the city council meeting when the agenda is set if it has not been advertised for a public hearing. The item shall be added as "Old Business" at the next regular meeting with an affirmative vote by the city council. At any time before a meeting, the city manager may distribute revised or additional information as an agenda supplement subject to a vote of the city council. If there is inadequate time

to make such a distribution, the revised or additional information may be provided at the meeting and subject to acceptance by the vote of the city council as part of their decision-making. The city council may also continue the agenda item to the next regular meeting as "Old Business" in the event additional time is needed to review the supplemental information.

- D. The agenda packet will be in electronic format. The final agenda packet shall be provided in advance of the meeting on the city's website for public review. The entire electronic agenda packet will also be accessible for public review and inspection in the Office of the City Clerk as well as during the meeting in council chambers. Upon the request of any council member, the city clerk will deliver the agenda packet to that member in print form. A copy of the final agenda packet will be maintained in the city clerk's office as a part of the city's public records with page numbers.
- E. Prior to distribution of the agenda packet, council members may also share reports, information, correspondence, or other items they consider necessary or appropriate for the city council to consider when possible by providing a copy to the city manager for inclusion in the agenda in "Communications from Mayor, City Council and Staff" prior to distribution of the agenda materials. A copy of any report, information, correspondence, or other items not otherwise available prior to the meeting shall be provided to the city clerk, who shall distribute the information to council members and provide a printed copy for inspection by the public during the meeting.
- F. No item of business at any regular or special city council meeting will be transacted unless:
 - 1. The item is specifically set forth in the notice prescribed in Section 4A. below [Sec. 2-53 City Code]; or
 - 2. The item is added to the agenda at the meeting by a vote of at least five council members, unless notice is required by code or Florida law.
- G. By a majority vote of the city council, an agenda item shall be continued to a future regular, special, or workshop meeting during "Set Agenda" or during discussion of the agenda item. If the agenda item to be continued has been advertised for a hearing, the request by motion for a continuation of the item shall be made when the agenda item hearing is opened and a date certain shall be identified for the continued agenda item.
- H. The city manager may continue, or grant one continuance, of an agenda item that has been scheduled for review before the meeting. No other continuances will be granted without the approval of the city council or, if the council is in recess or out of session, by the mayor.
- I. The agenda shall have a "consent agenda" section for items concerning routine business, recurring items, or non-controversial business. The purpose of the consent agenda is to facilitate the conduct of city council's business in an efficient, timely, and orderly manner. If any council member wishes to discuss a consent

agenda item, the member may request removal of the item from the consent agenda, whereupon the item will be removed from the consent agenda and will be added as a regular agenda item. The approval of the consent agenda will be voted upon before consideration of regular agenda items and may be approved by a single motion with any public comment prior to the vote.

- J. Each agenda for regular, special, emergency and workshop meetings will include, without limitation:
1. A time before the vote on a proposition for public comment.
 2. Prior to adjournment, council members shall have an opportunity to share reports, correspondence, or other information, or to request council place an item on a future workshop or regular meeting agenda. Council members may supply memoranda or other materials for distribution by the city manager during this agenda period.

Section 4. Meeting Notice

- A. No business at any regular or special meeting of the city council shall be transacted, except such business as may be specifically set forth in (1) a notice containing time, date, and location which shall be printed one time in a newspaper published and of general circulation in the city not more than seven or less than two days before such meeting; or (2) the notice calling the meeting.

This section shall not apply to the transaction of such business if the transaction to be considered at such meeting is added to the agenda by a five-seventh vote of the city council. Reconsideration of items shall be conducted as specified by the resolution of the city council as set forth in these procedural rules. (Sec. 2-53, Code of Ordinances)

- B. Notwithstanding the foregoing, a notice of all public meetings shall be posted on the city's website and on the city's bulletin board no later than 48 hours prior to the time and date of the meeting. When directed by the city council, additional notice to the public of city council meetings may be provided.

Section 5. Quorum

- A. A majority of the members of the city council shall constitute a quorum to transact any business, but a lesser number may meet and adjourn from time to time.
- B. All meetings of the city council shall be open to the public. (Sec. 2-54, Code of Ordinances.
- C. A council member present but required to recuse because of a conflict of interest will be counted for purposes of determining a quorum.
- D. In accordance with Florida law and pursuant to ~~Resolution 2017-13970~~, a council member may participate remotely if a quorum is present and finding by the city council that there is an "extraordinary circumstance" or "good cause" for why the

member cannot attend in person and the member has notified the city clerk of their inability to attend in person at least 2 business days prior to the meeting unless there is an exigent circumstance that prevented earlier notification. "Good cause" or "extraordinary circumstances" include illness, personal or family matter, absence from the area, unavoidable scheduling conflict or other good reason." When participating remotely, the member must be visible and audible to the extent possible. Approved remote participation shall not be the basis for an unexcused absence.

- E. Any council member who is unexcused absent from 6 consecutive regular meetings as provided in Section 2-56 (the absences were without valid excuse) shall forfeit such council member's office and the city council shall declare such office vacant and proceed to fill such vacancy by holding a special election. (Section 2-56, Code of Ordinances)

Section 6. Meetings

- A. Except for closed meetings pursuant to Florida law, all meetings of the city council will be open to the public. Public participation will be as prescribed in E below.
- B. Pursuant to section 2.4 of the City Charter, the mayor or vice mayor will serve as ~~chair~~ presiding officer for the meeting, except when both are absent; then the members present will elect a presiding member. Members will abide by the ruling of the mayor unless otherwise determined in subsection (C) below.
- C. Questions of order will be decided by the mayor without debate, subject to appeal by a council member.
1. An appeal to the ruling of the mayor will be made by the statement; "I appeal from the decision of the mayor." The appeal must be seconded and is subject to debate.
 2. The mayor then puts to a vote the question; "Shall the decision of the mayor be sustained?" A majority or tie vote sustains the ruling of the mayor.
- D. Generally, meetings will be conducted as follows:
1. The ~~chair~~ presiding officer will:
 - i. Always conduct the meeting firmly and courteously while maintaining order.
 - ii. Ensure that a council member is recognized before speaking and allow only one person to speak at a time.
 - iii. Allow persons not on the city council to speak only at designated times and apply time limits uniformly.

- iv. Rule out-of-order remarks from the public that are personal attacks or attack motives of the character of another council member, member of the public, or staff, or which are not related to the matter before the city council. Should a member of the public continue to engage in conduct that is disruptive to the meeting, the ~~chair~~ presiding officer shall warn the individual if the conduct does not stop, that he or she will be removed from the chamber. Disruptive behavior is action that disrupts, disturbs, impedes or renders or interferes with the orderly conduct of the meeting, such as exceeding speaker time limits or shouting from the audience, clapping, etc.
- v. Reject frivolous motions and motions not allowed by these Rules and require motions to be stated affirmatively and succinctly.
- vi. Restate, or have restated, motions and allow the maker of a motion to speak first.
- vii. Allow a council member more opportunity to speak on a matter only after all other council members have had an opportunity to speak.
- viii. Allow interruption of a speaker only by consent of the speaker or for permitted reasons, such as to raise a point of order or to request clarification.
- ix. Reject discussion of motions that are not debatable, such as to adjourn, to call for the question, to continue, to recess, or to table.
- x. Recognize that all council members have equal rights, privileges, and obligations, and will remain impartial in the use of authority.
- xi. Call for the question when it appears that members have concluded debate, or when such debate has become repetitive and non-productive for the required policy decision.
- xii. Remind the public of the requirement to submit a Speaker Registration Form for the public comment section of the agenda or for an agenda subject.

2. Council members will:

- i. Be recognized by the ~~chair~~ presiding officer before speaking. Council members should manage speaking time to ensure other council members have an opportunity to speak. Then, after each member has had the opportunity to speak, a member may make additional comments on the subject in random order upon recognition by the ~~chair~~ presiding officer but refrain from repeating earlier comments. The ~~chair~~ presiding officer may allow a more or

less formalized speaker order, depending on the issue and volume of the information to be discussed.

- ii. When making a motion, speak clearly and concisely to avoid any misunderstanding of the intent of the motion. State the motion affirmatively.
- iii. Not speak a second time on a subject until the mayor has confirmed that all who wish to speak have done so.
- iv. Confine remarks to the subject of the motion and avoid remarks involving personalities, or that are intended to be a political speech for the attending public rather than for influencing city council decisions.
- v. Not interrupt a speaker who has the floor except consent from the chair presiding officer, to present a privileged motion.
- vi. Limit comments to those required to state a position while avoiding repetitiveness or redundancy.
- vii. Not be obligated to state a position or opinion on matters under discussion. Discussion should be intended to add information, persuade colleagues through debate, and state positions.
- viii. Refrain from adding comments or explanations during the voting process. Comments and explanations may be made during discussion before or after the motion, and not when voting.
- ix. At all times act with decorum toward other council members, staff, and the public, and recognize that people appearing before the city council should be treated with respect and dignity.
- x. Refrain from starting a discussion with the speaker during the public comment period except to clarify points raised by a speaker, and to let speakers finish before commenting. If additional information or response from staff is needed, the council member may ask questions following the speaker's comment.
- xi. Recognize that the legislative process involves the interaction of competing ideas that resolve themselves in a decision by the city council. The final decision may not satisfy all members, but the will of the majority prevails. Once a question has been voted upon, the decision becomes the final decision of the city and each member will abide by the results.
- xii. Be prepared and focused. While questions and clarification will occur, many questions can be answered by studying the agenda packet, or with a phone call or visit with staff before a meeting.

Council members should limit the use of electronic devices during the meeting except to access agenda materials, especially during quasi-judicial hearings, to allow council members to focus on the decision-making process.

3. The public will:

- i. ~~Be permitted to address the city council on an agenda item during the first public comment periods at the beginning of the meeting. The public will also be able to make public comment on any item on the agenda at the time the agenda item is discussed. The second public comment period at the end of the meeting, shall be to address items of interest not part of the approved agenda or previously discussed.~~
- ii. Complete and submit a Speaker Registration Form before the close of the public comment period for that agenda item. The chair presiding officer will call to the podium those who have submitted a form.
- iii. Limit comments to three minutes unless the period is extended by the chair presiding officer or by a majority of council members.
- iv. Upon being recognized by the chair presiding officer, the speaker will go to the podium and state the speaker's name and address.
- v. Receive answers to any speaker's questions only when directed by the chair presiding officer. Otherwise, staff or individual council members may answer questions outside of the meeting. Nothing here is intended to limit the ability of council members to question public speakers. A public speaker may receive answers to questions directed to staff or any speaker, only when recognized by the Mayor.
- vi. If a member of the public serves on a city-appointed board or committee, the individual may address the city council only as a private individual and not in the individual's capacity as a dissenting member of the appointed board or committee, except when a prohibited conflict of interest is present.
- vii. Must Refrain from obscene, profane, or disorderly conduct, including handclapping, yelling, and similar demonstrations, all of which disturb the peace and good order of the meeting.
- viii. At its pleasure use recording devices in a manner that will cause minimum interference without disruption to the council or board proceedings.

- ix. A speaker violating these rules of decorum or otherwise disrupting a meeting may be gaveled out of order by the chair presiding officer, and if the speaker willfully refuses to abide by the lawful order of the chair presiding officer to cede the floor and cease and desist all disruptive behavior, the speaker will be given a trespass warning by the presiding officer and may be removed for trespass after refusing to leave the meeting after given the trespass warning and for disrupting a public assembly pursuant to Section 871.01, Florida Statutes.

4. Enforcement of Order and Decorum.

- i. The chair presiding officer may interrupt any speaker to maintain order and decorum, but the interruption will not reduce the speaker's time if time limits have been imposed.
 - ii. Meeting attendees may speak as an applicant or as a member of the public and any person who becomes disruptive to the orderly conduct will first be counseled about their behavior by the presiding officer.
 - iii. If the disruption persists, the presiding officer may request that a police officer escort the disruptive person out of the meeting.
 - iv. If the disruptive person does not leave the meeting voluntarily, the disruptive person may be given a trespass warning and if the warning is ignored may be subject to arrest by a police officer for trespass and for disrupting a public assembly pursuant to Section 871.01, Florida Statutes noting the facts of the interruption, disturbance and the failure to leave the room after the trespass warning has been issued by the presiding officer.
 - v. If any meeting is disturbed and order cannot be restored, the chair presiding officer may recess or adjourn the meeting, with any remaining business to be rescheduled for a future Council meeting.
- E. Except as otherwise provided in the City Charter, the Code, the Florida Statutes, or these Rules, meetings will be conducted according to Robert's Rules of Order, not otherwise inconsistent with Florida law.
- F. Council members will signal their desire to speak on an issue by raising their respective hands. The chair presiding officer will call on each council member in the order seen.
- G. The city attorney will act as parliamentarian and will give opinions as to these Rules and matters not contained herein.
- H. Agenda items and resolutions thereof will be handled as follows:

1. Except as otherwise provided by law, the city attorney or the city manager will read an ordinance or resolution by title only and either may summarize the item.
2. Staff will then make the formal presentation to city council.
3. Council may ask questions of staff and discuss the presentation.
4. The ~~chair~~ presiding officer will then recognize public speakers who have submitted a Speaker Registration Form. Such recognition may occur before a motion is made.
5. Following public comment, council members may discuss the item, both before and after the making of a motion.
6. All motions will be made in the affirmative (i.e. "I move that...be approved" or "I move that... be denied.")
7. Upon request, and prior to the vote, the city clerk will repeat the motion and the names of those making and seconding the motion.
8. All motions may be amended. A motion to amend is debatable.
 - i. After a motion to amend is made, seconded, and debated, the motion to amend will be voted upon before further consideration of the main motion. If an amendment is passed, debate will continue on the main motion as amended.
 - ii. A council member may ask that the person offering the main motion consider amending the main motion. If the maker and the seconder of the main motion consent, the main motion will be amended without a vote. The ~~chair~~ presiding officer or the ~~chair~~ presiding officer's designee will state the motion as amended.
- I. The city clerk or the clerk's designee will prepare minutes of all public city council meetings for city council review and approval. Approved minutes are the official record of the meeting or workshop.
- J. Audio and video recordings of city council meetings may be made and are public records; a copy will be maintained by the city clerk. Such recordings are not official records of the meeting.
- K. When city council is not "in session", the mayor, or in the mayor's absence the vice-mayor may provide instruction or direction to the city manager or city attorney, take action or render a decision, which would otherwise be made by the city council at a public meeting. Notice of the public meeting shall state the date, time, and location of the public meeting and shall be posted a minimum of 2 days on the City's Bulletin Board outside of City Hall. The mayor or vice-mayor shall open the

public meeting by announcing its purpose. The city manager, city attorney, or staff shall make a presentation requesting instruction, action, or a decision. Before responding, the mayor or vice-mayor shall afford any members of the public present an opportunity to comment. Thereafter, the mayor or vice-mayor shall direct the city manager to include an agenda item at the next regularly scheduled meeting of the city council disclosing any instruction, action or decision made by the mayor or vice-mayor while the city council was not "in session." Once an instruction, action or decision is completed, the public meeting shall be adjourned.

Section 7. Voting

- A. Except where otherwise prescribed by the City Charter, the Code, and Florida Statutes, all actions of the city council, including when acting as the board of appeals, will be by a majority vote of council members present at a meeting or by consensus. A consensus is the concurrence of all city council members present regarding direction to staff or an action item.
- B. Unless required to recuse, every council member present, including the ~~chair~~ presiding officer, will vote on every question.
- C. Votes may be by voice vote at the discretion of the mayor, except in quasi-judicial matters, which shall be by roll call vote.
- D. The ~~chair~~ presiding officer or any council member may call for a roll call vote. The order of voting will vary with each vote, with the ~~chair~~ presiding officer casting the last vote.
- E. The vote of each council member on every question will be recorded in the minutes.
- F. A tie vote results in the defeat of the matter.
- G. Council members shall disclose any conflict of interest consistent with Florida law and the City of Naples Code of Ethics and complete Form 8B (Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officer) and file with the city clerk during discussion of an item and prior to a vote.
- H. No votes shall be taken at workshops. Direction to city staff may be provided by consensus.

Section 8. Reconsideration of a Motion

- A. During the meeting in which the city council has voted on a matter, the city council may reconsider the matter by a simple majority vote. The motion to reconsider may be made only by a council member who originally voted in the majority.
- B. After the adjournment of the meeting at which the matter was voted upon, reconsideration may be only as follows:

1. Only a council member who voted in the majority may request reconsideration of a matter previously voted upon. If a vote ended with a tie vote, any council member who cast a vote may request reconsideration.
 2. A request for reconsideration will be made in writing to the city manager no later than noon on the Friday before the next regularly scheduled meeting immediately following the meeting at which the matter was voted on, at which meeting the city council will discuss whether to reconsider the matter.
 3. Upon a majority affirmative vote, and unless the city council otherwise directs, the city manager will place the matter on a regularly scheduled meeting agenda. Upon a negative vote the matter will no longer be reconsidered.
- C. The city clerk will take reasonable steps to notify persons who took part, by speaking or submitting written materials, at the first meeting of the date of reconsideration.
- D. A matter may be reconsidered only once. Thereafter, a matter, or any matter subsumed by it, may be considered only as a new submission, including where appropriate a new petition, including filing fees, advisory board hearings, and new city council action.
- E. This section does not apply to the adoption of ordinances or quasi-judicial proceedings.

Section 9. Public Hearing

- A. The purpose of public hearings is to receive input from the public about an issue before the city council and to allow the public to observe the proceedings of the city council. Public participation will be permitted concerning ordinances, land use and development issues, budgets, utility rate changes, and as otherwise permitted by the city council, or required by law.
- B. Those requesting to speak will submit a Speaker Registration Form before the start of the public hearing. The completed form will include the name and address of the speaker.
- C. Public comment will be limited to three minutes unless otherwise determined by the ~~chair~~ presiding officer or a majority of the city council. The mayor will announce if any public comments were previously received during the meeting for inclusion in the record.
- D. Upon the conclusion of public comment, the ~~chair~~ presiding officer will close the public hearing.

Section 10. Special Procedures for Quasi-Judicial Proceedings and Administrative Appeals

- A. Notwithstanding anything in these rules to the contrary, the following procedures will govern quasi-judicial proceedings.

- B. After the introduction of the petition by the city attorney, the city council will disclose any conflicts of interest or ex parte contact or communication they may have had regarding the petition as may be required by Florida law or Resolution 95-7474. If a conflict of interest is declared, the council member must file a Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers which shall be filed with the City Clerk. The mayor will announce if any public comments were previously received during the meeting for inclusion in the record. The petitioner will then present its case. City council should refrain from asking questions during his or her presentation. After the presentation, council members may question the Petitioner. The petitioner's presentation will take no more than 20 minutes regardless of the number of separate approvals requested in an agenda item. Upon request, the city council may grant the petitioner more time to complete its presentation. After the petitioner's presentation, council members may question the petitioner. The petitioner should notify the city manager in advance of the proceeding if it expects that more time is needed for the presentation.
- C. Staff will then provide an analysis of the petition, which presentation will take no more than 20 minutes regardless of the number of separate approvals requested in an agenda item. City council should refrain from asking questions during the staff presentation. After the presentation, council members may question staff. Upon request, city council may grant the staff more time to complete its presentation. After the staff's presentation, council members may question the staff.
- D. The ~~chair~~ presiding officer will then call for public comment by those who have completed a Speaker Registration Form. Each speaker will have up to three minutes to comment for all approvals included in an agenda item.
- E. Upon conclusion of public comment, the public hearing will be closed.
- F. The petitioner will have up to five minutes to present any final summation, followed by questions from council members.
- G. Council members should not make a motion concerning the petition, debate the petition, or call for the question until all of the evidence has been entered into the record.
- H. Either the petitioner or the staff may request a time certain concerning the petition by notifying the mayor and the city manager at least five days in advance of the publication of the agenda. While the mayor may set a time certain, the mayor is not required to do so.
- I. Any person wishing to use handouts at a meeting will deliver 12 copies for council members and staff. City council shall vote to accept the handout into the record or not.
- J. Decisions of city council will (1) be fair and impartial; (2) be based only upon the testimony and other evidence presented or contained in the record at the hearing; (3) apply the ordinances in accordance with the essential requirements of the law.

- K. City council will expressly state the reason(s) for granting or denying in the ordinance, resolution, or motion.
- L. Petitions, documents, exhibits, photos, PowerPoints/electronic visual presentations, and other evidence in support of a petition must be submitted to the departmental staff by close of business on the Monday, 16 days before the distribution of materials for the city council hearing. The petitioner must submit any amendments to the submittal by the close of business on the Friday before the distribution of the agenda for the hearing. Any such material that is not timely submitted is grounds for the city council not to admit the material into evidence or consider the material or testimony pertaining to it, for the matter to be continued, or for the matter to be remanded to the appropriate advisory board. It is the petitioner's responsibility to ensure that all exhibits that it wants to be considered are submitted for inclusion in the council packet by the foregoing deadline. Deadlines falling on holidays are extended to the next working day.
- M. Members of the public may submit written information in advance of or during the quasi-judicial proceeding, and oral comments at the designated "public comment" period during the quasi-judicial proceeding.
- N. Design Review Board Appeals. The following procedures shall apply when the city council reviews appeals from decisions by the Design Review Board ("DRB"):
 - i. The appeal is a review of the DRB decision based upon the record upon which the DRB rendered its decision. Any ex parte communication related to the appeal or conflict of interest shall be disclosed as provided in Resolution 95-744 at the beginning of the public hearing. Council members shall also confirm on the record that no opinion has been formed regarding the merits of the appeal, they have no bias toward any of the participants and their vote shall be based on the evidence and testimony presented during the public hearing.
 - ii. In addition, at the beginning of the public hearing, anyone intending to speak shall be sworn in. The mayor shall announce the time that has been allocated for presentations, rebuttal and closing with approval by a majority of city council. Any request for allocation of additional time shall be made at the beginning of the public hearing and shall require a majority vote of city council.
 - iii. The city council shall first determine if the appellant(s) has standing before the appellant(s) begins presentation of the merits of the appeal. If it is unclear based on the information provided by the appellant(s), the city council shall direct questions to the appellant(s). Thereafter, a finding should be made by motion regarding the appellant(s)' standing to present the appeal. The city council may reserve ruling on the standing issue until the conclusion of the public hearing.
 - iv. The order of the oral presentation of the appeal shall be determined by the mayor. The public shall be afforded an opportunity for

comment. Any comments from the members of the public shall be limited to 3 minutes. Thereafter, there shall be rebuttal and closing comments as determined by city council.

- v. The mayor shall close the public hearing. Thereafter, the city council may ask questions of individuals providing testimony before rendering a decision. Any council member may make a motion to approve, deny, or remand the DRB decision with directions to the DRB for further consideration.
- vi. The record before the city council when reviewing an appeal of a DRB decision shall at a minimum consist of: 1) a copy of the agenda materials submitted to the DRB; 2) the DRB decision; 3) timely submittals provided by the DRB petitioner/property owner, appellant(s), city staff, or from the public, including but not limited to a transcript of the DRB hearing. All materials for inclusion in the record must be received no later than 7 days prior to the date of the hearing of the appeal. At the request of a majority of city council, a video of the DRB hearing may be viewed during the DRB appeal.

Section 11. Public Hearings by Committee, Mayor, or City Manager

- A. When authorized by law or ordinance, the city council may appoint a special magistrate or committee or designate the mayor or city manager to assist in or hold a public hearing for the city council at any time upon any matter pending before it. The requirements of the Sunshine law will apply in the same manner as if they would apply to the city council. Minutes or reports of hearings held by special committees, the mayor, or the city manager will be filed as a public record.

Section 12. Appointment of Mayor and City Council Members to Boards, Committees, etc.

- A. At the first regular meeting at which newly elected council members take office, city council members shall vote to appoint council members to any vacant Boards, Committees, etc. where a vacancy may exist due to a recent election or the term of a council member has expired.
- B. Vacant positions. The mayor will announce the vacancy and will ask council members who may be interested in filling the vacancy. The mayor will then ask each council member who expressed an interest to state the reasons the council member would like to serve on the board, committee, etc. Thereafter, a motion should be made to nominate a council member to serve in the vacant position. If the motion receives a second, a vote shall be taken and if a majority of the council members approve, the council member shall be appointed to fill the vacant position.
- C. Expiring Appointments. The mayor will announce the positions on boards, committees, etc. whose terms are expiring. The incumbent council member shall be asked to give a summary of his or her past experience in the position and indicate a willingness to continue to serve or to no longer serve in that role. Thereafter, a motion should be made to appoint the incumbent council member to

continue to serve in the position. If the motion receives a second, a vote shall be taken and if a majority of the council members approve, the council member shall be appointed to continue to serve in the vacant position. If the council member indicates a desire to no longer serve, the position shall be considered vacant and the procedure for appointment to a vacant position in Paragraph 1 shall apply.

Section 13. Election of Vice Mayor

- A. At the regular meeting at which newly elected council members take office, the city council will elect a vice mayor.
- B. The mayor will call for nominations for vice mayor. Nominations do not require a second. The mayor may nominate a council member. Nominations should remain open until there are no further nominations. A nominee may decline the nomination. Council members may discuss the nominations.
- C. When no further nominations are forthcoming, the mayor will close the nominations. If more than 1 council member has been nominated, a ballot shall be prepared with all nominated council members and a vote taken. The council member receiving the most votes shall be elected to serve as vice-mayor. In the event of a tie vote, a second vote will be taken of the two highest scoring council members and the council member with the most votes will be elected to serve as vice-mayor.