

# Town Council Rules of Procedures

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## **APPENDIX**

A. COUNCIL AGENDA FORMAT

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Revisions to above articles shall be so indicated as approved by the Town Council.

## **TOWN OF LAKE HAMILTON, FLORIDA**

### **TOWN COUNCIL RULES OF PROCEDURE**

**Adopted August 1, 2017**

**Florida Statutes 286.0114**, Public Meetings. Members of the public shall be given a reasonable opportunity to be heard on a proposition considered by the Town Council of Lake Hamilton. Such opportunity does not have to occur at the same meeting at which the council takes official action if certain requirements are met. The bill excludes specified meetings and acts from the opportunity to be heard requirement. The bill authorizes the Town Council to adopt certain reasonable rules or policies governing the opportunity to be heard. If the Town Council adopts such rules or policies and thereafter complies with them, it is deemed to be acting in compliance with the section." The Town of Lake Hamilton meets the requirements as per Florida Statutes 286.0114, Public Meetings, the "Town Council Rules of Procedures" have been established.

#### **1.01 Governing Rules.**

Except as may be provided in the Town Charter or Ordinances, The methods of organization and the conduct of business of the Town Council of Lake Hamilton (Council) shall be governed by the procedures set forth herein.

## **1.02 Introduction.**

The purpose of these rules is to provide for the smooth and orderly functioning of the business of the Council and to provide a basis for resolving questions of procedure when they arise.

## **1.03 Definitions.**

As used herein, the following terms shall be defined as follows: Council shall mean the elected Mayor and Council members of the Town of Lake Hamilton as the Town Council; The Mayor shall mean the person elected as the Mayor of Lake Hamilton. The Vice-Mayor shall mean the person elected by the council as Vice-Mayor of the Town of Lake Hamilton. The Chair shall mean the Presiding Officer of the Town Council. Town Attorney shall mean the person appointed by the Council as legal counsel. The Clerk shall mean the person appointed to the position of the Town Administrator and/or Town clerk or his or her designee.

## **1.04 Council Meetings**

**A. Regular Meetings.** The Council shall hold regular meetings on the first Tuesdays of each month unless so indicated; Regular meetings shall commence at 6:00 p.m. All regular meetings shall be held in the Town Hall or such place or time as may be approved by resolution or motion adopted at a regular or special meeting by a majority of the Council members. An agenda of the order of business at the regular meeting shall be prepared by the Clerk and made available to the public a minimum of four (4) calendar days before the meeting. The Mayor, or Vice Mayor in the absence of the Mayor, may call the meeting to order and shall conduct the business of the meeting as per the official agenda. The Council may take official action upon any of the items discussed at the regular meeting and any of the items of official business that requires immediate consideration and decision.

## **1.05 Special Meetings, Emergency Meetings, Workshops.**

**A. Special Meetings.** A special meeting of the Council may be called by the Mayor or Vice-Mayor in the absents of the Mayor. Twenty-four (24) hours must elapse between the time the meeting is noticed and the time the meeting is to be held. Whenever a special meeting is called, written and verbal notice shall be given by the Clerk to each member of the Council, the Attorney, and to any other person whom notice is required as a matter of law, stating the date, hour and place of the meeting and the purpose(s) for which the meeting is called. The Clerk shall post the notice of meeting in at conspicuous location at town hall and at least one other conspicuous location in the town limits. The minutes of the special meeting shall show the manner and method of notice.

**B. Emergency Meetings.** An emergency meeting of the Council may be called by the Mayor or Vice-Mayor in the absents of the Mayor, which may require less than 24 hour notice. An emergency meeting of the Council may be called only when the person (s) calling the

meeting believes that an emergency exists which requires immediate consideration or action by the Council. Whenever such emergency meeting is called, person(s) calling the meeting and the Clerk shall make a good faith attempt to notify each member of the Council, the Attorney, as a matter of law, stating the date, hour and place of the meeting, the nature of the emergency and the purposes for which the meeting is being called. If possible, this notice shall be in writing. The Clerk shall post the notice of meeting in at conspicuous location at town hall and at least one other conspicuous location in the town limits. No other business shall be transacted at the meeting, and the minutes of each emergency meeting shall show the nature of the emergency and the manner and method of notice.

**C. Workshop Meetings.** The Council may schedule workshops to discuss items of special importance or complexity, which require longer than usual staff presentation and Council questions. An agenda of the order of business at the workshop shall be prepared by the Clerk and made available to the public a minimum of four (4) calendar days before the meeting. No resolution, rule, or formal action shall be considered binding except as taken or made at such meeting and any of the items of official business that require immediate consideration and decision by the Council. Public comment will be at the direction and discretion of the Council but will be no more than three minutes for each person unless the Council wishes to extend the time limit.

- The Council may schedule workshop meetings prior to the regular meeting on the first Tuesdays of each month if necessary. Workshop meetings shall commence at 5:30 p.m. The purpose of a workshop meeting is to allow staff to make presentations and to allow questions by the Council regarding the regular meeting agenda. An agenda of the order of business for the workshop shall be prepared by the Clerk and made available to the public a minimum of four (4) calendar days before the meeting with the Regular meeting agenda.

**D. Public Hearing, Procedures.** The purpose for establishing these procedures is to provide fundamental fairness to the parties at the hearing. Failure to strictly adhere to these procedures shall not invalidate any action of the Council. The public is always invited to speak at a Public Hearing; however, the following time limits shall apply:

Petitioner presentation 10 minutes; citizen's comments 3 minutes per speaker; petitioner rebuttal - 3 minutes. These times may vary due to subject matter (for example, there may be no petitioner or applicant.)

### **1. General Public Hearings.**

- a. Persons presenting testimony are required to complete and sign the citizen's sign-in sheet.
- b. The Mayor then reads the description of the agenda item(s) to be considered.
- c. The Mayor opens the Public Hearing.

- d. The staff will then make a presentation for the agenda item being considered.
- e. The Mayor then inquires as to whether there is any discussion or questions of staff.
- f. The petitioner, if any, then makes its presentation, limiting the time to 10 minutes unless otherwise agreed.
- g. Public comment follows and unless otherwise determined by the Mayor, shall be limited to 3 minutes per speaker. Petitioner rebuttal is limited to 3 minutes.
- h. A Council will make a motion to close the public hearing.
- i. After a second to the motion, the Mayor closes the public hearing and inquires if there is any discussion.
- j. The vote is taken.

## **2. Quasi-Judicial Hearings**

The procedures to be followed for quasi-judicial hearings are generally the same as given above for General Public Hearings:

- a.** Florida law requires that Council's decision in a quasi-judicial action be supported by competent substantial evidence presented to the Council during the hearing on the application. Competent substantial evidence is such evidence, as a reasonable mind would accept as adequate to support a conclusion. There must be a factual basis in the record to support opinion testimony from both expert and non-expert witnesses. All testimony must rely on factual information.
- b.** With leave of the Council, those who desire to be recognized with objector status may be provided additional time to present competent substantial evidence (e.g. through counsel, expert testimony or cross-examination).
- c.** Disclosure must be made before or during the public meeting at which a vote is taken if any Council member received any oral or written communications regarding the matter. The substance of the communication and identity of the person making the communication must be disclosed, allowing reasonable opportunity for others to refute or respond to the communication.
- d.** Private Communications (Ex-Parte)
  - (1) Definition: Written or oral communications regarding quasi-judicial matters pending before the Council received outside the record of the related public hearing.

(2) The Attorney suggests that Council members refrain from participating in private communication whenever possible regarding a quasi-judicial matter to avoid the creation of the presumption of prejudice.

(3) The presumption of prejudice may be overcome if the context of the private communication and the identity of the person is disclosed and made a part of the record at the public meeting before the final action on the matter.

(4) A written communication that relates to quasi-judicial action pending before the Council (such as a zoning decision) shall be made a part of the record before the final action on the matter.

(5) If a Council member conducts an investigation or site visitor receives expert opinions regarding a quasi-judicial action pending before the Council, such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

**e.** Council members shall not text or e-mail or have any off the record discussions during quasi-judicial hearings.

### **1.06 Quorum**

**A.** A majority of the whole number of members of the Council shall constitute a quorum. Any member of the Council who announces a conflict of interest on a particular matter and a decision to refrain from voting or otherwise participating in the proceedings related to that matter shall be deemed present for the purpose of constituting a quorum. The Council may entertain motions for continuances and may in its discretion grant such motions upon a showing of good cause.

**B.** Should no quorum attend within 15 minutes after the hour appointed for the meeting of the Council, the Mayor or the vice Mayor, or in their absence, the Clerk may adjourn the meeting. The Clerk shall record the names of the members present and their action at such meeting in the minutes.

### **1.07 Meeting Attendees.**

All meetings of the Council shall be open to the public. Promptly at the hour set for each meeting, the members of the Council, the Attorney, and the Clerk shall take their regular station in the Council chamber, and the business of the Council shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

### **1.08 Call to Order.**

The Mayor shall take the chair at the hour appointed for the meeting and shall call the Council to order immediately. In the absence of the Mayor and Vice-Mayor, the Clerk shall then determine whether a quorum is present and in that event shall call for the election of a temporary chair. Upon the arrival of the Mayor or the Vice Mayor, the temporary chair shall relinquish the chair upon the conclusion of the business immediately before the Council.

#### **1.09. Mayor Presiding Officer, Duties.**

**A.** The Mayor of the Council shall preside at all meetings at which the Mayor is present. In the absence of the Mayor, the Vice Mayor shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the Council. The Mayor or at the discretion of the Mayor, the Clerk shall repeat every motion and state every question coming before the Council and announce the decision of the Council on all matters coming before it. A majority vote of the members present shall govern and conclusively determine all questions or order not otherwise covered. The Mayor may vote on all questions, the Mayor's name being called last when a roll call is requested. In the absence of the Mayor or in the event of the Mayor's inability to serve due to illness or accident, the Vice Mayor shall perform the duties and functions of the Mayor until the Mayor's return to the Council or recovery and resumption of duty. The Council shall elect the Vice Mayor at the regular meeting as per the Town Charter every year

**B.** the Mayor or Vice Mayor in the absence of the Mayor is authorized to sign any documents approved by Council.

**C.** the Mayor shall have the authority to assign honorary or administrative duties to other members of the Council with members' consent.

#### **1.10 Parliamentarian.**

The Attorney shall act as parliamentarian and shall advise and assist the Council in matters of parliamentary law. In the absence of a Rule of Procedure as provided for by these Rules, the Parliamentarian shall refer to Roberts Rules of Order on all rulings.

#### **1.11 Agenda**

**A.** There shall be an official agenda for every meeting of the Council, which shall determine the order of business conducted at the meeting. (Appendix A.). All requests and documentation to be placed on the Council Agenda must be received in the Town Clerks Office within seven (7) calendar days of the scheduled meeting. All proceedings and the order of business at all meetings of the Council shall be conducted in accordance with the official agenda.

**B.** Agenda Request Form shall be utilized for all New Business with support documentation in the possession of the Town. (Appendix B)

**C.** The Agenda may be altered / changed from the order of business set forth in the official agenda and may be made only upon majority vote of the members of the Council present at the meeting.

**D.** Additions, deletions, or corrections to the agenda may be considered by the Council and adopted by the passage of a single motion. Items may be added to the agenda by three votes of the Council or when deemed necessary by the majority in emergency situations when the issues are time critical or cost sensitive to the Town. Non-agenda matters shall be confined to items that are informational only.

**E.** The agenda shall be prepared by the Clerk in appropriate form (Appendix A.) approved by the Council. The Clerk shall make available a copy of the regular agenda, and supporting documentation in the possession of the Town, four (4) calendar days before every non-emergency meeting and post same on the Town's public web site. If the support information is not available, the agenda item may be removed from the agenda and considered at a later meeting. Matters for discussion by any council member would not require supporting documentation. Any member of the Council, the Clerk, and the Attorney may place matters of business on the agenda.

**F.** A copy of each resolution or non-emergency ordinance shall be furnished to the members of the Council not later than four (4) calendar days before a vote may be called on the resolution or ordinance. The provisions of this rule shall be deemed waived unless asserted by a Council member before the Council takes action on the resolution or ordinance in question.

### **1.12 Citizen's Input: Addressing Council, Manner, Time.**

Each person who addresses the Council on an agenda item shall complete a citizen's sign-in sheet and submitted to the clerk. When the person's name is called, the person shall step up and shall give the following information in an audible tone of voice for the minutes:

**A.** name;

**B.** and, if requested by any Council member, the person may be required to state place of residence; and whether the person speaks for a group of persons or a third party; if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization;

**C.** All remarks shall be limited to no more than three (3) minutes unless the Mayor extends the time and shall be addressed to the Council as a body and not to any member thereof. Any person addressing the Council during a public hearing shall limit remarks to three (3) minutes unless the Council extends the time. No person, other than members of the Council and the person having the floor shall be permitted to enter into any discussion, without the permission of the presiding officer. No question shall be asked a member of the Council except through the



presiding officer.

**D.** No person who has addressed the Council during any given Citizens Input on agenda items shall be allowed to make additional comments on the agenda item except with the permission of the Council. Citizens may make additional comments on specific items being heard during a public hearing.

**E.** For those matters in which the Council hears citizen's input, the Mayor shall close the citizen's input portion of the meeting upon the conclusion of the last speaker's comments. Members of the Council shall allow no additional citizen's input, except in specific response to questions or if an extension of time for public comment is approved by the Council.

**F.** Any person making slanderous remarks or who becomes boisterous while addressing the Council shall be barred from making any additional comments during the meeting by the presiding officer. Any person who becomes disruptive or interferes with the business of the Council shall be removed from the audience for the remainder of the meeting.

**G.** Any person shall be entitled to submit written comments for consideration by the Council. Written comments submitted may be considered and entered into the record of the meeting.

**H.** For public safety purposes, no signs, posters, placards mounted on sticks, posts, poles, or similar structure will be allowed in Town Council meeting rooms.

**I.** A citizen may act as a spokesperson for a group of citizens and audience members may raise their hands to support for their spokesperson's comments.

**J.** To ensure everyone has a fair opportunity to participate and meetings are conducted in an orderly fashion, the following procedures are in effect:

**1. Confinement of Remarks:** In discussion, remarks made by the Council member shall be confined to the motion or matter immediately before the body.

**2. Personal Attacks Prohibited.** In discussion, a member may condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid personalities, and under no circumstances may he/she attack or question the motives of another member. The issue, and not a person, shall be the item under discussion.

**3. Breach of Decorum.** The Mayor shall immediately call as "out of order" any remarks outside the issue being addressed, or another member may call to the attention of the Presiding Officer and other members this breach of procedure, and the member shall immediately cease the breach of decorum and continue with his/her remarks confined to the issue.

**4. Comments Addressed to Mayor.** All discussion shall be made through the Presiding Officer, and one member may not interrogate another member or a person speaking from the

public, except through the Presiding Officer.

**5. Order of Discussion.** After a member has spoken or asked questions on a matter before the Council, other members shall be given the opportunity to speak. If no other member wishes to speak to the issue, the member may continue speaking to the issue.

**6. Disruptiveness.** During discussion or voting, a member shall not disturb the other members in any way that may be considered disruptive to the proceedings or hamper the transaction of business.

**7. Rulings from the Mayor.** The Presiding Officer may rule as "out of order" any action deemed inappropriate or dilatory and may interrupt a speaker for reasons he or she deems necessary.

**8. Refusals to Comply.** If a member of the Council refuses' to comply with these Rules, the following procedure shall be used:

- a. The member shall be "called to order" by the Presiding Officer or by a majority of the members present.
- b. If a member refuses throughout the meeting to abide by the Rules, the members present, by majority vote, may censure the member and have it entered in the official minutes of the meeting.

### **1.13 Clerk, Minutes.**

The Clerk shall sit or appoint a designee as Clerk of the Council. The Clerk shall certify all ordinances and resolutions adopted by the Council. The Clerk shall duplicate the minutes and all resolutions and ordinances and shall furnish copies to persons desiring them at the prescribed rates.

### **1.14 The Record**

**A. Automatically included in the record.** The following documents shall automatically be included in the records of the Council:

1. Agenda packet or staff report;
2. Any documents, exhibits, diagrams, petitions, letters or other materials presented to the Council in support of, or in opposition to, an item to be considered by them shall be entered into the record, unless clearly inadmissible and irrelevant. The Council may accept inadmissible items into the record, provided that members of the Council shall not consider those items, or parts thereof, which are inadmissible. In the event the Council has any question as to the relevancy and admissibility of any item placed into the record, the Council may request an opinion from the Attorney.

**B. Custodian.** The Clerk shall be custodian of the record.

**C. Correction of errors in the record.** In the event the Council determines that there was an error, of either Council or omission regarding the placement of an item into the record, any member of the Council may move to correct such errors, and such act of correction shall be done upon a majority vote of the members of the Council present.

**D. Exhibits.** Unless an oversized exhibit is essential, documentary paper or photographic exhibits shall not exceed 24 inches by 36 inches and, if mounted on a backboard, shall be removable there from.

**E. Substitution of copies of exhibits.** A person submitting an exhibit for the Council's consideration in support of, or in opposition to a pending matter, must file the original thereof with the Clerk. The Council may approve Substitution of a copy or duplicate thereof after viewing the original and the copy or duplicate. In the case of a written document, the person may furnish the Clerk with an exact duplicate and, upon verification thereof, the Clerk may return the original to said person. Alternatively, the Clerk may, in the Clerk's discretion, and at the expense of the person requesting the return of the original, make or arrange for the making of a copy of the exhibit after which the original may be returned to the person requesting it.

### **1.15 Method of Voting.**

**A. General:** The vote upon any ordinance, resolution, shall be taken by roll call vote. Motion, or other matter may be voice vote, providing that the Mayor or any other member of the Council shall require a roll call vote to be taken. Upon every roll call vote, the names of the Council members shall be called alphabetically by surname, except that the names shall be rotated after each roll call vote, so that the Council member who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the presiding officer shall always cast his or her vote last. Upon relinquishing the chair, the Mayor shall vote by Council Seat order with the other Council members. The Clerk shall call the roll, tabulate the votes, and announce the results.

### **B. Voting.**

**1. Voting.** Unless otherwise provided by law, ordinance, or statute, when the Council has finished discussion and is ready to vote a question, the Mayor shall call for the vote, and there shall be no further discussion by any member voting. Each member shall vote aye or no, and silence shall be considered an "aye" vote. When a matter is brought up for a vote on a motion to approve it and said motion fails, the status quo ante shall be maintained, and the matter shall be considered denied. Such a vote shall not preclude a subsequent motion at the same meeting to approve with modifications to the motion.

After any vote, any member may give a brief statement to explain his or her vote, and such explanation should be consistent with the vote registered. A member shall have the privilege of filing with the Clerk a written explanation of his or her vote which shall become part of the record of the proceeding.

**2. Roll call.** Upon any roll call, there shall be no discussion by any member prior to voting, and each Council member shall vote aye or no.

**3. Vote change.** Any Council member momentarily absent for a vote on a particular item may record his or her vote, or any Council member may change his or her vote before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, but not thereafter, except with the consent of all the Council members who voted thereon.

**4. Abstention.**

**a. Pursuant Chapter 286.012, Florida Statutes,** no Council member may abstain from voting on any matter before the Council upon which official action is to be taken unless there is or appears to be a possible conflict of interest pursuant to Sections 112.311, 112.313 or 112.3143, Florida Statutes. In such cases, said Council member shall comply with the disclosure requirement of state law.

**b.** If a Council member has a conflict with an item appearing on the consent portion of the Council's agenda, that Council member does not have to pull the item for the purpose of abstention if prior to the vote on the consent agenda the Council member:

(1) Publicly discloses the nature of interest in the matter from which the Council member is abstaining, and

(2) Notifies the Clerk of the conflict.

**c.** The Council member must supply the Clerk with a completed Form 8B "Memorandum of Voting Conflict" form within 15 days after the vote occurs. Form 8B shall be received by the Clerk and incorporated into the meeting minutes as an exhibit.

**1.16 Rules of Debate.**

**A. As to the Chair.** The Mayor may second any motion, or, after relinquishing the Chair, may make any motion. The Mayor shall not resume the Chair until after the Council has acted upon the matter under consideration.

**B. Getting' the floor, improper references to be avoided.** Every member desiring to speak for any purpose shall address the Mayor and, upon recognition, shall confine discussion to the question under debate, avoiding all personalities and indecorous language.

**C. Interruption.** A member once recognized shall not be interrupted when speaking unless it is to call that member to order. If a member while speaking is called to order, the member shall cease speaking until the question of order is determined by the Mayor; and, if in order, the member shall be permitted to proceed. Any member may appeal to the Council from the decision of the Mayor upon a question of order, whereupon without debate the Mayor shall submit to the Council the question, "Shall the decision of the Mayor be sustained?" and the Council shall decide by a majority vote of those present at the meeting.

**D. Privilege of closing debate.** Any Council member may move to close debate after every Council member has had one opportunity to comment and call the question on the motion being considered which shall be non-debatable. By request of a Council member, members of the Council shall be polled to decide whether debate may be reopened.

**E. Renewal.** Once the period for consideration of any ordinance, resolution, decision, or motion has expired, then neither the same ordinance, resolution, decision or motion nor its repeal may be brought for discussion before the Council for a period of six months.

**F. Reconsideration.** An action of the Council may be reconsidered only at the same meeting at which the action was taken or at the next, regular meeting. For land use items, an action by the Council may be reconsidered only at the same land use meeting at which the original action was taken or at the next land use meeting. A motion to reconsider may be made only by a member who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A Council member who was absent at the time the vote was taken shall be deemed on the -prevailing side. Such motion shall not be entertained in anyone of the following instances: (1) if the approved action has been partially or fully carried out; (2) if a contract, when the other party to the contract has received written notification by the County of the outcome; (3) if an ordinance or other action taken after a required public hearing; or (4) if the vote has caused something to be done that is impossible to undo. Adoption of a motion to reconsider shall rescind the action reconsidered; therefore a new motion, second, and vote is required to take formal action on the item, if desired, and may take place at a future meeting. If a motion to reconsider is not brought forward in a timely manner, yet a Council member would like to revisit the issue, the item may be placed on a future agenda provided that (1) new information has been discovered that if known at the time of the original vote, the outcome may have been different; (2) a majority of the Board approves; and (3) none of the instances set forth above that would prohibit a motion to reconsider exist. This rule on motions for reconsideration may not be suspended.

**G. Tie votes.** Whenever action cannot be taken because the vote of the Council members has resulted in a tie, the proposed ordinance, resolution or motion that produced the tie vote shall fail; however there is no prevailing party for purposes of a Motion to Reconsider. Whenever action cannot be taken due to a tie vote, the status quo shall continue and the item can be placed on a future agenda for consideration.

### **1.17 Council Member Comments.**

The purpose of Council member comments is to promote the public discussion of matters relating to Town business and to encourage the dissemination of information. Any Council member may submit reports and information on items relating to Town business. When possible, the other Council members, the Clerk, and the Attorney should receive such materials in advance. Council members may also request the preparation of proclamations, resolutions, ordinances, reports, and other actions of the Council during this portion of the agenda, subject to majority consensus. All such requests shall be referred to the Clerk or the Attorney, as appropriate.

### **1.18 Adjournment.**

A motion to adjourn shall always be in order and decided without debate, except that the motion shall contain a time to hear the balance of the agenda if same has not been completed.

### **1.19 Ordinances, Resolutions, Motions, Contracts**

**A. Preparation of ordinances.** The Attorney, when requested by at least three Council members, shall prepare ordinances which shall be delivered to the Clerk for inclusion in the agenda. Copies of all proposed ordinances or resolutions shall be furnished to each Council member and shall be made available to all interested persons at the normal copying cost.

**B. Approval of documents by Attorney.** All ordinances, resolutions and contract documents, before presentation to the Council, shall be reviewed and approved by the Attorney.

**C. Passage of approval of ordinances.** Any action of the Council which provides for a new law or a penalty to be imposed shall be by ordinance. Ordinances may be introduced and adopted by title and shall be read by title only before consideration by the Council. The adoption of all ordinances shall require the affirmative vote of a majority of the total membership of the Council. Ordinances must be sponsored by a member or members of the Council, except that either the Clerk, or the Attorney may present ordinances, resolutions and other matters, of an administrative nature, to the Council for consideration, and any Council member may assume sponsorship thereof by moving that such ordinance, resolution or other matter be adopted in accordance with law; otherwise, they shall not be considered.

**D. When action to be taken by motion, resolution or ordinance.** All actions of the Council may be taken by motion, resolution, or ordinance. Approval of purely administrative matters may be accomplished by resolution or motion duly adopted and recorded in the minutes of the meeting. No resolution or motion shall be adopted by the Council without the affirmative vote of the majority of all the members present.

**E. Emergency ordinances.** The Council at any regular, special, or emergency meeting may enact or amend any ordinance with a waiver of notice requirement by a vote of by a vote of two-thirds vote of the council present, declaring that an emergency exists and that the immediate enactment of such ordinance is necessary.

### **1.20 Committees.**

**A.** Whenever the Council deems it necessary or desirable that the Council shall be represented at meetings, conference or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, the Council may nominate members of the Council to represent the Council at such meetings, conferences or other occasions, with the consent of the nominated member. Such representative shall have no power to act for or on behalf of the Council or to make any commitment or binding obligation on behalf of the Council or the Town. Such representatives may report to the Council with regard to such meeting, conference or other occasion.

**B.** the Council may establish special committees of the Council and/or citizens as specific needs arise. The Council shall make nominations to such committees with the consent of the nominated person. Any special committees may be abolished by the Council when its continued existence no longer is necessary.

### **1.21 Evaluations of Council's Appointee.**

The Town Council shall annually evaluate the performance of the Town Clerk & Town Administrator during the October regular meeting. The Mayor shall develop and distribute the evaluation forms to each council member at the September regular meeting. Each member shall forward their completed evaluations to the Mayor within two weeks of the October meeting. The Mayor shall develop a composite evaluation, averaging the numerical scores of each member. The council members shall receive the composite evaluation and copies of each members evaluations in a sealed envelope for their review prior to the October meeting. The Mayor shall place the Town Clerk and Town Administrator's evaluations on the October regular Town Council's agenda (New Business) for discussion and adoption by the council. The appointees will be presented with their evaluations at the October meeting. The council shall review the composite evaluation and adopt it by majority vote of the members present. The adopted evaluations shall be placed in the appointee's permanent file by the Town Clerk. The Mayor may make recommendations on tenure, salary and other matters related to the appointees. *(Revised 09/01/2020)*

### **1.22 Suspension of the Rules.**

Unless otherwise stated, any of the Rules of Order adopted by this Council may be temporarily suspended for the meeting in session by a majority of those Council members present at said meeting.

### **1.23 Effect of These Rules of Procedures.**

In any instance where the procedure established by these Rules of Procedure is in conflict with state law, town charter, town ordinance or court order, or has the effect of violating any applicable law, ordinance or ruling, or order of a court or administrative agency, or rights there under, the procedures established hereunder shall be inoperative to the extent of such conflict or violation.

### **1.24 Publication.**

Upon adoption of these Rules of Procedure and any amendment hereof, the Clerk shall cause same to be posted on the Town's web site. Copies shall be provided by the Clerk to all persons who request them at the standard charge.

### **1.25 Effective Date.**

These rules shall become effective upon adoption by the Town Council.

## **APPENDIX A.**

### **Council Agenda Format**

#### ***Workshop, Special, and Emergency Meetings:***

1. CALL TO ORDER BY THE MAYOR
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL OF COUNCIL MEMBERS BY THE CLERK
5. ITEMS TO BE DISCUSSED BY THE COUNCIL
6. ADJOURNMENT

#### ***Regular Meeting:***

1. CALL TO ORDER BY THE MAYOR
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL OF COUNCIL MEMBERS BY THE CLERK
5. SCHEDULED PRESENTATIONS
6. CONSENT AGENDA



- Consent Agenda is a meeting practice which packages routine committee reports, Council meeting minutes, and non-controversial items not requiring discussion or independent action as one agenda item.
- Approval of Quarterly Financial Reports (February - May - August - November)

7. RECOGNITION OF CITIZENS (Non-Agenda Items)

8. OLD BUSINESS

9. NEW BUSINESS

10. STAFF REPORT

- Town Administrator
- Town Clerk
- Police Department
- Code Enforcement
- Community Development
- Public Works

11. ATTORNEY COMMENTS

12. COUNCIL MEMBERS COMMENTS

13. ADJOURNMENT

Items 2 & 3 of the Regular Meeting Agenda may be dispensed with when a Workshop is conducted prior to the Regular meeting.

## **Appendix B**

### ***Town of LAKE HAMILTON***

### ***AGENDA REQUEST FORM***

#### **A. INFORMATION**

#### **GENERAL**

Requested By: \_\_\_\_\_ Agenda Date: \_\_\_\_\_ Agenda Number:  
\_\_\_\_\_

Agenda Title: \_\_\_\_\_

Agenda Type:      New Business      Budget Transfer

Brief Description of Request: \_\_\_\_\_

---

**B.**  
**INFORMATION**

**BUDGET**

Is this request associated with the Budget?

YES (Provide Budget Information below)

NO

Funding Source:

General Fund

Enterprise Fund

Grant Fund

Budgeted Amount: \$

Actual Cost: \$

Account #

Account Name:

**C.**  
**INFORMATION**

**STAFF**

Staff Information (If any):

**D.**

**ATTACHMENTS**

Back-Up Documents

Ordinance

Resolution

Other: