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**AGENDA ITEM**

**MEMORANDUM**

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**TO:** Mayor Jerry L. Demings  
and  
County Commissioners

**FROM:** Jeffrey J. Newton, County Attorney *JJN*

**DATE:** May 10, 2019

**RE:** Consent Agenda Item for May 21, 2019  
Revisions to Board Rules of Procedure

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As you each will recall, we discussed the Board Rules of Procedure (“Rules”) at a training session held on February 26, 2019. We have made several substantive revisions to the attached Rules highlighted below which better align the Rules with certain past practices of the Board. Those changes are:

1. Section 2.02 Quorum – to clarify when a loss of quorum occurs.
2. Section 2.05 Absence of County Mayor and Vice-Mayor – to include Immediate Past-Vice-Mayor.
3. Section 2.08 Consent Agenda – to provide for notification of item(s) to be pulled from consent agenda and consequence of not providing notice.
4. Section 2.10 Voting by the Board – clarification to voice votes, roll call votes and tie votes. Addition of provisions on vote to draft an ordinance and timeframe to provide name of nominee for appointment.
5. Section 2.11 Public Participation in Meetings, Hearing and Appeals – to address public commentary and allotment of time for such at meetings, worksessions and public hearings.
6. Sections 4.01 through 4.11 – various edits which mostly clarify language.

May 9, 2019  
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7. Section 4.13 Motion to Rescind – to specify a timeframe for when the motion would be considered out of order and address membership change in the Board.
8. Section 4.21 Motion to Adjourn – to add Presiding Officer adjourning meeting without necessity of vote when there is no objection from member(s) of the Board.

There are additional non-substantive edits/revisions throughout the Rules which are not highlighted above.

**ACTION REQUESTED: Approval of Revisions to Board Rules of Procedure.**

JJN/ad

c: Byron Brooks, County Administrator  
Joel D. Prinsell, Deputy County Attorney

# **RULES OF PROCEDURE**



## ***BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA***

\*\*\*\*\*  
Ed. Note: These rules have been adopted as Regulation No. 3.03,  
Orange County Administrative Regulations  
\*\*\*\*\*

**Approved:**  
November 23, 1987

**Revisions:**  
September 15, 2015;  
May 21, 2019

**Amendments:**  
Section 4.13 -  
January 26, 1999  
Section 2.05 -  
September 15, 2015

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# **RULES OF PROCEDURE**

## ***BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA***

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### **ARTICLE I**

#### **GENERAL**

##### **Section 1.01 Scope and Purpose.**

*A. Scope.* Pursuant to Section 209 of the Orange County Charter (the "Charter"), these Rules of Procedure ("Rules") are approved by the Orange County Board of County Commissioners (the "Board") and shall govern all proceedings of the Board except to the extent they may be inconsistent with the Charter, the Orange County Code or Florida law, in which case the Charter, the County Code or Florida law shall govern. Any procedural issues not addressed by these Rules, the Charter, the County Code, or Florida law shall be governed by *Robert's Rule of Order*.

*B. Purpose.* The purpose of these Rules is to provide for the smooth and orderly functioning of the business of the Board and to facilitate an open exchange of ideas among Board members and between Board members and the public.

These rules shall not grant additional grounds or standing to challenge the County or the Board other than those grounds already existing in constitutional, statutory or case law.

##### **Section 1.02 Parliamentarian.**

The County Attorney, or his/her designee in his/her absence, shall serve as parliamentarian and shall advise and assist the Presiding Officer and the Board in matters of parliamentary law.

##### **Section 1.03 Suspension of Rules.**

These Rules may be suspended at any time with respect to any single matter before the Board, but only upon the unanimous vote of the Board members present at the meeting, and only if at least 5 members are present.

## ARTICLE II

### OPERATIONAL PROCEDURE

#### Section 2.01 Meetings.

*A. Regular Meetings.* Regular meetings of the Board shall be held Tuesdays in the Board's chambers on the first floor of the Orange County Administration Center, 201 S. Rosalind Avenue, Orlando, Florida. Also, from time to time the Orange County Mayor may:

1. schedule work sessions;
2. cancel or otherwise refrain from scheduling all or any part of any Board meeting on any Tuesday when the business to come before the Board is not substantial; and
3. schedule Board meetings at such other locations in the County and at such time of day as may be conducive to public attendance and participation.

*B. Special Meetings.* Special meetings for matters or specified items which need to be discussed, and on which Board action may need to be taken, prior to the next regularly scheduled meeting may be called by the County Mayor, but only upon written notice to each Board member no less than 12 hours before the meeting. Any other Board member may call a special meeting, but only after the following:

1. each other Board member or his or her aide has received a written request for concurrence in the need for the special meeting;
2. no fewer than two other Board members have responded to the requesting member in writing, with copies to all other members, that they concur in the need for the special meeting; and
3. each Board member has then received written notice from the requesting member that the special meeting is called, and such notice has been effected no less than 12 hours before the meeting.

The notices of calling a special meeting, whether by the County Mayor or at least three other Board members, as well as the written request for concurrence described above, shall state the subject to be discussed, the Board action to be proposed, and the date, time and place of the meeting. Notice shall be affected only when served personally on the Board member or his/her aide, or delivered to the Board member's residence, or delivered during normal working hours to the Board member's usual place of business or employment.

Other business or action shall not be discussed or taken at the special meeting. Furthermore, copies of requests for concurrence and all notices of special meetings shall be placed in the Board's reading file, and notices of such meetings shall be posted as may be required by law or county custom.

*C. Emergency Meetings.* Emergency meetings may be called in the same manner as special meetings, when immediate action is required because of an imminent threat to public health, safety, or welfare. Notices shall be given within a reasonable time, which may or may not be a minimum of 12 hours, as circumstances may determine. Furthermore, whether an emergency exists shall ultimately be determined by the Board at the meeting based on the circumstances. If at the meeting the Board determines that an emergency does not exist, the meeting shall be adjourned immediately.

In accordance with Section 210 of the Charter, any ordinances enacted under emergency provisions shall be effective for a limited period of thirty days. However, at the Board's discretion, the ordinance may be reenacted in the manner provided by law.

*D. Adjourned Meetings.* An adjourned meeting shall be a continuation of the previously convened original meeting, whether a regular or special meeting.

1. If due to time constraint, the Board is unable in a regular or special meeting to hear all the business due to come before it, the meeting may be adjourned by the Presiding Officer to a day and time specified at the meeting by the Presiding Officer with the concurrence of the Board, to allow for the completion of pending or remaining business.

2. In an adjourned meeting, business which would have been proper to consider at the original meeting may be considered and acted on. Nothing may be considered at an adjourned meeting unless it could have been considered and acted on at the original meeting.

3. Adjourned meetings resume business under the same rules, limitations and rights as the original meeting from which it was adjourned.

## **Section 2.02 Quorum.**

*A. Members Required.* Four Board members shall constitute a quorum for any meeting of the Board, except as described in Section 2.02.C.

*B. Failure to Achieve.* If a quorum is not present thirty minutes following the appointed hour of the meeting, the County Mayor, the Vice-Mayor, the Immediate Past Vice-Mayor, or in their absence the County Administrator (or his/her designee) may:

1. adjourn the meeting and establish another day at which to reconvene;



2. adjourn the meeting and return at the next regular meeting; or
3. recess the meeting to determine if a quorum will be present within a short period of time.

The names of those members present and the decision shall be recorded in the minutes, stating a quorum was not present and the time and date set for another meeting.

*C. Loss of Quorum.* If in the process of a meeting, it is determined that a quorum is not present, all business shall immediately stop. A loss of a quorum shall not be deemed to result when one or more Board members cannot vote on a particular matter due to a conflict of interest or the appearance of a conflict of interest, leaving less than four Board members who can vote on the matter. If a quorum is not re-established within fifteen minutes, the County Mayor, the Vice-Mayor, the Immediate Past Vice-Mayor, or in their absence, the County Administrator (or his/her designee) may:

1. adjourn the meeting and establish another day at which to reconvene;
2. adjourn the meeting and return at the next regular meeting; or
3. recess the meeting to determine if a quorum will be present within a short period of time.

The names of those members present and the decision shall be recorded in the minutes, stating a quorum was not present and the time and date set for another meeting.

### **Section 2.03 County Mayor.**

*A. Chairing Meetings.* Meetings of the Board shall be chaired by the Orange County Mayor, who when fulfilling this function is referred to in these Rules as the "Presiding Officer."

*B. Other Duties.* In addition to the duties listed in Section 302 of the Charter, the County Mayor shall:

1. Call the meeting to order at the hour appointed for the meeting.
2. Determine whether a quorum is present.
3. Preserve decorum and order at all meetings.
4. Make the members aware of the substance of each motion and call for the

vote and announce the results of each matter that is decided by the Board, including “no” votes, if any.

5. Determine the seating arrangements for the Board Members and staff.
6. Call a recess at such time as deemed advisable.
7. Have all rights and privileges while he/she is presiding (e.g., the right to make motions, second motions, speak and vote), without relinquishing the chair.

***RATIONALE:***

*Since each member of the Board is elected by the voters of Orange County, the County Mayor shall not be deprived of representation on their behalf; therefore, the County Mayor has the same right to make motions, second motions, speak and vote without relinquishing the chair.*

**Section 2.04 Vice-Mayor.**

*A. Election.* The Board shall annually elect a Vice-Mayor from among its members by majority vote. The election shall occur during the month of December, and each Vice-Mayor shall serve until his/her successor is elected. If for any reason the Vice-Mayor’s position becomes vacant, the Board shall promptly elect a successor.

*B. Duties.* The duties of the Vice-Mayor shall be as described in the Charter. Any part of these Rules that describe the duties and powers of the County Mayor during meetings of the Board shall apply to the Vice-Mayor in the absence of the County Mayor.

**Section 2.05 Absence of County Mayor and Vice-Mayor.**

In the absence of the County Mayor, the Vice-Mayor and Immediate Past Vice-Mayor, at a meeting of the Board, the County Attorney or designee shall determine whether a quorum is present and, if a quorum is present, the County Administrator shall call for the election of a Presiding Officer for that meeting. The Presiding Officer elected for the meeting shall preside over that meeting unless and until the County Mayor, Vice-Mayor or Immediate Past Vice-Mayor arrives. The Presiding Officer shall relinquish the chair upon the arrival of either the County Mayor, Vice-Mayor or Immediate Past Vice-Mayor upon conclusion of the business immediately before the Board.

**Section 2.06 Minutes of the Meetings.**

*A. Actions Taken.* All actions of the Board shall be accurately recorded in the minutes.

*B. Content of Minutes.* The Clerk of the Board shall record and prepare the minutes and shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all actions of the Board. The record shall include the names of the mover and seconder and the vote of each member of the Board. The record shall state whether the vote was by voice vote or by roll call.

*C. Record of Comments.* The Clerk of the Board shall not be responsible for maintaining a written record of the discussion or of comments of the members or of comments made by members of the public. The Clerk shall make an electronic tape recording of each entire meeting.

*D. Member Privilege.* A member of the Board may request to have her/his comments printed as part of the record. If there are no objections by any member of the Board, the comments shall be included. If there is an objection to such printing of the comments, the Board shall decide the matter by majority vote.

*E. Approvals and Corrections.* The responsibility for correcting and approving the minutes shall be vested only in the Board, and the minutes shall indicate its approval.

*F. Waiver of Defects.* The right to challenge procedural defects in the minutes shall be deemed waived by individual Board members once they have voted to approve the minutes.

*G. Attestation.* The minutes shall be attested by the County Mayor or Vice-Mayor.

***RATIONALE:***

*All actions taken by governmental organizations must be fully and accurately recorded in their minutes. The minutes are the primary evidence of actions taken by the body. The final legal responsibility for correcting the minutes rests solely with the members of the body. (Ref. Sturgis, page 239, with related court cases.)*

**Section 2.07 Agenda.**

The official agenda of the Board shall be prepared by the County Mayor in four parts:

*A. The Morning Agenda.*

1. The morning agenda shall include:
  - a. Constitutional Officers' Reports, if any.
  - b. Report of the County Mayor.

- c. Reports of the Commissioners.
- d. Staff reports.
- e. Informational Items.
- f. Public comment.
- g. Such other items as may be requested from time to time and approved by the County Mayor.

2. Some of these items may be a consent item as per Section 2.08 of these Rules.

*B. Work Session agenda.*

1. Work Session agendas shall be scheduled by the County Mayor on an “as needed” basis.

2. Unless special notice is required, the Board may take official action on any work session issue which is properly placed on the agenda. When Board action is foreseeable, public comment shall be allowed. Time limits shall be at the discretion of the Board.

*C. Recess.*

A Recess shall be called between the morning and afternoon agenda.

*D. The Afternoon Agenda.*

1. The afternoon agenda shall include:

a. Call to order.

b. Public Testimony.

NOTE: The County Administrator shall prescribe forms by which any member of the public may request to be heard during the public discussion period. However, at the discretion of the Presiding Officer or upon a majority vote of the Board, a person may be allowed to address the Board during this period without having submitted the required form or having been placed on the agenda.

c. Recommendations of the Planning and Zoning Commission and Board of Zoning Adjustment, when applicable.

d. Public Hearings.

(1) Public hearings shall be scheduled by the Clerk of the Board and the notification of such hearings shall be sent by the Clerk to the person(s) involved and to the media.

e. Such other items as may be requested from time to time and approved by the County Mayor.

f. Such recesses as the Presiding Officer may deem necessary or desirable.

2. The agenda shall state that the public discussion and public hearings will be held at the time shown or as soon thereafter as time permits.

*E. Agenda Preparation and Deadlines.*

1. The agenda for each regular meeting shall be delivered to all Board members no later than noon on the third business day preceding the day of the Board meeting. Supplemental agendas may be issued by the County Mayor from time to time, but only if:

a. the supplemental agenda is delivered to each Board member on or before noon of the business day immediately preceding the Board meeting, and

b. the item or items on the supplemental agenda are subject to deadlines, time constraints, or urgency of some type requiring Board action without delay.

2. Any Board member with an item to be placed on an agenda shall provide the item in writing, together with any backup information, to the Office of the County Mayor, with a copy to the County Administrator, no later than noon on the fourth business day preceding the Board meeting. Such items shall be placed on the agenda as soon as possible, unless, on further consultation, the Board member agrees to a postponement or to withdraw the item. Items to be placed on supplemental agendas shall be urgent in nature and shall be delivered in writing, with backup, no later than 9:00 A.M. on the business day preceding the Board meeting.

**Section 2.08 Consent Agenda.**

*A. Authorization.* A portion of the agenda may be designated as a consent agenda, and all items contained therein may be voted on with one motion.

*B. Withdrawal of Items.* The County Mayor or any other Board member may

withdraw an item from the consent agenda, and it shall be voted on individually. A Board member shall notify the Mayor and County Administrator by email or memorandum no later than 5:00 P.M. on the Friday before the Board meeting specifying the item(s) to be pulled from the consent agenda. In the absence of timely notification, the Mayor may exclude the item(s) from the vote on the consent agenda. Additionally, to avoid the need for County staff to attend Board meetings merely to be available for discussion of consent agenda items, the County Mayor may defer any withdrawn item to a later meeting.

**Section 2.09 Nonagenda Items.**

*A. Definition; Introduction of Items.* A nonagenda item shall be defined as any item that is not on the printed agenda or any printed supplemental agenda. Nonagenda items shall be introduced only when deemed by the County Mayor or another Board member to require urgent attention.

*B. Information Required.* Adequate information shall be given to the Board members on nonagenda items that are being requested.

*C. Required Vote.* An affirmative vote of at least 5 members of the Board shall be required to pass a nonagenda item.

**Section 2.10 Voting by the Board.**

A. *Voice Votes; Roll Call Votes; Raising of Hands.* Except as provided otherwise in this Section 2.10, all votes shall be taken by an “aye” or “no” voice vote unless it is determined by the Presiding Officer or a Board member that a roll call vote would be in order.

1. A roll call vote shall be taken by numerical order of districts, with the Presiding Officer voting last. When a roll call vote is called, after the Presiding Officer has made clear the motion, the clerk shall be directed to call the roll; no member shall be entitled to speak on the motion, nor shall any other motion be in order until such roll call is completed and the result announced by the Presiding Officer.

2. Instead of either a voice vote or a roll call vote, the Presiding Officer may at any time call for a vote by the raising of hands, in which case the vote of each Board member shall be announced publicly by the Presiding Officer.

B. *Proper Voice Voting.* All voice votes shall be taken requesting those in favor to say “aye” and those opposed to say “no.” A vote requesting those in favor to say “aye” and those opposed “like sign” (meaning “aye”) shall not be used.

**RATIONALE:**

*A vote that calls for those in favor to say “aye” and those opposed “like sign” in a voice vote is not only out of order in procedure, but also is confusing. In order for the public, the Clerk, and other Board members to be assured that the Board member is voting in the negative, it is important that “no” be used. A person may not vote “aye” when his/her vote is in the negative.*

C. *Tie Votes.* For legislative (*i.e.*, policy) and other matters of general applicability, a tie vote shall cause the motion to be defeated. However, on all matters involving application to the Board which may require findings of fact and/or conclusions of law (*e.g.*, quasi-judicial hearings), a tie vote shall keep the motion as pending before the Board, except when the tie vote cannot be broken (*e.g.*, a Board member has a voting conflict of interest), in which event the tie vote shall cause the motion to be defeated. If the tie vote can be broken (*i.e.*, a Board member is absent), the motion shall be continued and rescheduled to another date and time or to a time certain.

**RATIONALE:**

*Zoning Appeals Board, after notice and hearing and having deadlocked at a 2 to 2 vote to deny application for an unusual or special use, was entitled to continue hearing by setting it over to another date without further notice. See, Shaughnessy v. Metropolitan Dade County, App., 238 So. 2d 466 (1970).*

D. *Abstentions.* Neither the County Mayor nor any other Board member who is present at any meeting of the Board at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any decision, ruling, or act, and a vote

shall be recorded for each such Board member present, except when, with respect to any such member, there is or appears to be a possible conflict of interest, in which case the Board member shall comply with the requirements of Section 112.3143, Florida Statutes, or other applicable law.

*E. Votes on Appointments.* When the Board appoints persons to its various boards and authorities, it may deviate from the normal procedure of motions and votes and, instead, allow any Board member to nominate a prospective appointee provided that, in accordance with agenda deadlines, the prospective nominee's name has been submitted to the Mayor for inclusion on the official agenda of the Board. Nominations need no second. After nominations have ceased, the Presiding Officer shall announce each nominee, and Board members shall vote for nominees in the order the nominations were made, with each Board member casting one vote for each vacancy. Appointments shall occur only when a nominee receives a vote of a majority of the Board members present.

*F. Vote to Draft an Ordinance.* Prior to an ordinance being drafted, a Commissioner shall present to the Board a Commissioner's Report which explains the concept of the ordinance. Unless a majority of the entire membership of the Board objects to the drafting of such ordinance, the County Attorney shall draft the proposed ordinance. The County Attorney, when requested by the Board, shall prepare and deliver ordinances to the Mayor for inclusion in the agenda. Copies of all proposed ordinances shall be furnished to each Commissioner and shall be made available to all interested parties.

## **Section 2.11 Public Participation in Meetings, Hearings and Appeals.**

### *A. General.*

1. These rules seek to balance the opportunity for all citizens to participate in the local government process with the responsibility of the Board to conduct orderly and efficient meetings and to complete the County's business in a timely manner. Citizens are encouraged to follow the rules on public participation. Citizens are also encouraged to make initial inquiries through County staff when such inquiries are practical.

2. When legislative Board action is foreseeable, public comment is allowed. Public commentary at meetings, worksessions and public hearings shall be according to any time limits set by the Presiding Officer or Board.

3. The person shall limit his/her remarks to the time limits set by these Rules or otherwise by the Presiding Officer or the Board, except that such time limits are not applicable to county staff.

4. Speakers must focus on relevant facts and issues. The Presiding Officer



may curtail irrelevant or repetitious comments. The Presiding Officer may also declare an end to one side of a debate when that viewpoint has been adequately repeated and no new information is being offered.

5. All persons, other than salaried members of the county staff, shall address the Board, whether in public hearing or otherwise, in the following manner:

- a. State his/her name and address.
- b. If requested by the Board state:
  - i. whether he/she speaks for himself/herself or for another.
  - ii. whether the person represents an organization or represents a policy established by the organization or governing body.
  - iii. whether he/she is being compensated by the person(s) for whom he/she speaks.
  - iv. whether he/she or any member of his/her immediate family has a personal interest in the pending matter.

6. All remarks shall be made to the Board as a body and to the Presiding Officer and not to a particular member of the Board, unless permission has been given by the Presiding Officer.

7. No person, other than salaried county staff and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without permission of the Presiding Officer.

8. Speakers shall be courteous and non-disruptive. If a person continues disruptive behavior after being asked to stop, these results may apply:

a. The Presiding Officer may declare the person's conduct to be out of order and the Presiding Officer, with a concurrence of a majority of the Board, may refuse to permit the person from further speaking before the Board for the remainder of that meeting.

b. A person, once denied the floor due to such improper conduct, shall not be permitted to continue or again address the Board in that meeting unless a majority vote of the Board allows.

c. The Presiding Officer may order ejected from the meeting any person whose conduct is hostile or threatening. He or she may be readmitted only by a majority vote of the Board.

9. When a court reporter is present, whether in a public hearing or otherwise, and if requested, the court reporter shall give his/her name, identify his or her court reporting company, and identify the person or entity by whom he or she is retained.

*B. Public Hearings -- Adoption of Budgets, Ordinances, Resolutions, and Other Matters of General Applicability.*

Any person addressing the Board in a public hearing in connection with the adoption of a budget, an ordinance, a resolution, or other matter of general applicability shall limit his or her remarks to three minutes. One person may speak on behalf of others in attendance at the hearing, and under those circumstances the Presiding Officer may grant additional time, up to a total of ten minutes, or as otherwise has been set by the Presiding Officer.

*C. Public Hearings -- Applications for or Appeals from Specific County Approvals or Decisions.*

A public hearing arising out of any application for or appeal from a specific county approval or decision, whether a land use approval or otherwise, and regardless of whether the hearing has been called by the Board or requested by the applicant or a third-party appellant, shall be conducted as follows:

1. The applicant or his or her agent is entitled to make a presentation to the Board, and the presentation shall be the first made (after opening remarks, if any, by Board members or staff) unless the applicant waives the privilege. The applicant's presentation plus any rebuttal to opponents shall not exceed, in the aggregate, 15 minutes, unless the applicant has notified the County Administrator or his/her designee prior to the meeting of the amount of time he or she deems necessary to present his or her application and the County Administrator has approved an increase in time.

2. If the hearing has occurred because of an appeal by someone other than the applicant, the appellant shall then be heard, and the appellant's presentation and rebuttal, if any, shall not exceed, in the aggregate, 15 minutes unless the appellant has notified the County Administrator or his/her designee prior to the meeting of the amount of time he or she needs to present the appeal and the County Administrator has approved an increase in time.

3. For purposes of subsections C.1 and C.2., any remarks made at the hearing by any family members, business partners or associates, consultants, attorneys, agents, employees, employers, co-workers or other associates of the applicant or the appellant shall be deemed part of the applicant's or the appellant's presentation.

4. Any persons speaking in the public hearing on the application and not part of the applicant's or the appellant's presentation shall be heard and shall be limited to three minutes each, unless the Presiding Officer has expanded or contracted the time.

5. The applicant shall be permitted rebuttal, so long as his/her aggregate time does not exceed the aggregate time limit allowed under subsection C.1.

6. The appellant, if any, shall be allowed rebuttal, likewise subject to the aggregate time limit allowed under subsection C.2.

7. Exhibits and written statements submitted at the hearing shall be received by the Clerk before the Presiding Officer closes the hearing. If a court reporter is present, all documents submitted at the hearing shall be identified and numbered sequentially (*e.g.*, Exhibit 1, Exhibit 2, etc.) and announced for purposes of the record.

8. The Board shall then discuss and vote on the matter unless a motion to refer or a motion to defer under Section 4.05 or 4.06 of these Rules is passed. A Board member may discuss the matter with staff during the hearing. Also, a Board member may discuss the matter with staff after the hearing is closed, but when fairness demands, the Presiding Officer may reopen the hearing for the limited purpose of allowing the applicant and/or the appellant, and no one else, to respond to the discussion.

9. The Presiding Officer, or the Board by majority vote, may expand or contract any time limits described above.

## **Section 2.12 Committees of the Board.**

*A. Appointments of Board Members.* Whenever the Board deems it necessary or desirable that the Board be represented at meetings, conferences or other occasions involving other governmental organizations, or departments, agencies or officials of the county government, the Board may appoint through the chair or through election, a member or members to represent the Board at such meetings, or other occasions, with the consent of the member appointed or elected.

1. A representative for or on behalf of the Board shall vote on particular matters as the Board may have instructed him/her in that regard and may not make any commitment or binding obligation on behalf of the Board without the approval of the Board.

2. A representative for or on behalf of the Board shall report in writing to the Board, when requested.

*B. Special Committees.* The Board may establish special committees as specific needs arise. The Board shall appoint or elect persons to these committees with consent of the persons appointed or elected.

*C. Abolition of Special Committees.* Any special committee may be abolished by the Board.

*D. Removal for Nonparticipation.* Any person appointed or elected by the Board to represent it may be removed for non-attendance or non-participation by a majority vote of the Board.

## ARTICLE III

### DECORUM OF DEBATE

The following practices shall be followed in the discussions/debate on motions and matters presented to the Board of County Commissioners.

*A. Confinement of Remarks.* In discussion, the remarks made by the Board members shall be confined to the motion or matter immediately before the Board.

*B. 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.

*"For example, if a member disagrees with a statement by another in regard to an event which both witnessed, he cannot state in debate that the other's statement is false.' But he/she might say, 'I believe there is strong evidence that the member is mistaken.'"* (Robert's Rules of Order newly Revised, page 332.)

*C. Breach of Decorum.* The Presiding Officer shall immediately rule 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. The member who is out of order shall immediately cease the breach of decorum and continue with his/her remarks confined to the issue.

*D. Comments Addressed to Chair.* 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.

*E. Order of Discussion.* After a member has spoken or asked questions on a matter before the Board, 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.

*F. 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.

*G. Rulings from the Chair.* 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.

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

1. The member shall be “called to order” by the Presiding Officer or by a majority of the members present.

2. 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.

***RATIONALE:***

*Persons, organizations, and governmental bodies receive respect from others to the degree that they respect themselves. If respect for the procedure at meetings is demonstrated by the members, it shows not only respect for the individual, but also respect by those persons who elected them and whom they represent.*

*No body, regardless of its size, can accomplish its objective if the person elected to lead the meeting (i.e., the chair) is not given the authority to do so. All matters must be directed through the chair, otherwise the procedure is out of order.*

*As to the County Mayor or the board following through on a member refusing to abide by the Rules, it must be remembered here that these rules need to cover not only the Board as it now exists, but also those that will follow. While there is no concern as to any members, as the Board now exists, following these Rules as adopted, these Rules need to be written so as to protect the Board should any future member not adhere to the Rules.*

## ARTICLE IV

### MOTIONS

#### **Section 4.01 Motion To Be Stated.**

No motion shall be adopted until the motion, in substance, is stated. If necessary, the motion shall be restated by the Presiding Officer.

#### **Section 4.02 Precedence of Motions.**

*A. Types of Motions.* These motions shall be taken precedence in the order in which they are listed below:

1. Fix a time of the next meeting.
2. Adjourn.
3. Recess.
4. Call the question (end debate).
5. Defer to a time certain.
6. Refer back to a committee or staff or refer to a committee or staff.
7. Amend.
8. Main motion.

*B. Ranking of Motions.* The motions to reconsider, rescind and amend something previously adopted shall have the same rank as a main motion.

*C. Incidental Motions.* All incidental motions listed in this section shall be decided immediately before business can proceed.

#### **Section 4.03 Main Motion.**

A main motion shall be a motion whose introduction brings business before the Board. A second is required.

*NOTE: A second made by any member shall imply that the member wishes the matter to be discussed, but it does not necessarily mean that the member is for or against the motion.*

#### **Section 4.04 Motion to Amend.**

If a member feels that the main motion might be more acceptable in another way, other than the way presented, the member may amend in either of the two ways presented:

*A. By Consent of the Members.* The Presiding Officer, or another member through the Presiding Officer, may ask if certain changes may be made to the motion. If there are no objections from the members, the motion will stand as changed (amended). If there are no objections, the second shall remain. (“No objection” implies that the person seconding the motion agrees.) The main motion shall then be as it was changed (or amended by general consent). If there is an objection from any member, a second to the amendment shall be required and a vote taken. There may be discussion to the amendment at that time, and a majority vote shall be required to pass the amendment.

*B. Formal Amendment.* An amendment may be presented formally by moving to amend the motion in some way (e.g., insert, add words or paragraph, strike out words or paragraph, or strike out and insert words or paragraphs). If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

*C. Amendment to be Germane.* An amendment must be germane (relating to the substance of the main motion). An amendment cannot introduce an independent question, but an amendment can be hostile to, or defeat the spirit of the original motion and still be germane. (See example in the appendix.)

*D. Improper Amendments.* Improper Amendments shall be:

1. One that is not germane .
2. One that would make the adoption of the amended motion equivalent to a rejection of the motion. Thus, if you moved that “we approve,” it could not be amended to say that we “not” approve because that could be accomplished by simply voting against the motion.
3. One that would strike out such words as “Resolved” or other enacting words.
4. One that is frivolous or absurd.
5. One that would leave incoherent wording or a wording containing no



rational proposition.

6. One that would have the effect of converting one parliamentary motion into another.

#### **Section 4.05 Motion to refer.**

If a Board member feels that adequate information has not been given, the Board member may move to refer the matter back to a certain person(s) or agency for more information. A time certain may be included in the motion or it may be open-ended. A motion to refer back is only debatable as to whether or not, or to whom, it shall be referred and the Board's directions in connection with the referral; a second is required, and a majority vote of the Board shall be required to pass the motion to refer. If the motion fails, the motion pending shall then be the motion that was on the floor prior to the motion to refer.

#### **Section 4.06 Motion to Defer to Time Certain (Postpone).**

A motion to defer to a time certain (postpone) may be used if a Board member feels that the motion before the Board should be considered at a more convenient time or if the discussion shows that a final decision should be made at a later time or date. This motion is used if the Board member feels that he/she may obtain the information that is needed or that the facts as presented are not adequate for a final vote. Discussion may follow as to the reason for the motion to be deferred. A second is required. A majority vote is required to pass a motion to defer.

*NOTE: It is important to note that the Board acts in its official capacity as a unit, and if a matter is asked to be deferred, it is done by a majority vote of the Board and not by a member acting independently. All action taken by the Board must reflect the wishes of the Board and not one member individually.*

#### **Section 4.07 Motion to Limit Discussion or Debate.**

If a member of the Board feels that time for discussion of a motion should be limited, either as to time for the motion as a whole or as to time given to any individual, the member may move to "limit discussion (or debate)." This motion to impose a time limit may be made before the start of a public hearing or after the Presiding Officer has closed the public hearing. A second is required.

There shall be no discussion to this motion and a vote of a majority plus one of the members present shall be necessary to limit discussion either on an individual basis or on the motion as a whole.

NOTE: For limited debate of the public, please refer to Section 2.11 of these Rules.

**Section 4.08 Call the Question (Previous Question) or Motion to End Discussion/ Debate.**

A member of the Board may “call the question” (a motion to end debate) when he/she thinks that further discussion is unnecessary. A second is required, and no discussion may be allowed on this motion. A vote of a majority plus one of the members present shall be required to pass this motion.

**Section 4.09 The Motions to Table (lay on the table) and Postpone Indefinitely.**

Motions to table or to postpone indefinitely shall not be used by the Board.

***RATIONALE:***

*The motion to table may not be used to kill a motion.*

*The motion to table (perhaps the most abused motion) is used to set a motion aside temporarily when something else of immediate urgency has arisen. The motion to defer to a time certain may be used by the Board if this occurs. The only way a tabled motion can be brought back is through the motion to “take from the table;” it may not be placed on the agenda. Because of the nature of the business of the Board, it is necessary to dispose of, in some way, the matters on the agenda that are public. The public would not know when it would be taken from the table, and public notice would not have been given.*

*The motion to postpone indefinitely is another motion that should not be used by the Board as it is used as a motion to kill. It is used as a motion that “says” that the body declines to take a position on the main question and avoids a direct vote. The Board is charged with making decisions at their meetings and should not sidestep an issue. The Board may “kill” a motion by voting it down.*

**Section 4.10 Motions Used to Bring Back an Issue.**

If a Board member wishes to bring back to the Board for a change, in part or in total, a matter that has been adopted, one of the motions described in Sections 4.11 through 4.13 of these Rules shall be used. Except for a motion under Section 4.12, the Board member’s intention to reopen the matter shall be noticed to the public at least three business days before the meeting at which the issue will be considered. However, failure to provide such notice shall not affect the validity of any such motion or the vote taken thereon.

**Section 4.11 Motion to Amend Something Previously Adopted.**

A motion to amend something previously adopted shall be used in what can be referred to as routine matters, that being a matter that was adopted by the Board but because of time or circumstances a part of the matter needs to be amended. (e.g., change in speed limit or signs in

general and other such matters.)

The Board member shall move to amend that part of the motion that had been previously adopted. A second is required, and discussion may follow as to the reasons for the motion. The vote taken to pass a motion to amend shall require a majority if the item is on the official agenda, or a vote of at least five (5) members if the item is not on the official agenda.

#### **Section 4.12 Motion to Reconsider.**

If in the *same* Board meeting new information or changed situations make it appear that a different result might reflect the will of the Board, a member may move to reconsider the vote. A motion to reconsider may be applied to a vote that was either affirmative or negative and shall propose no specific change in a decision, but simply propose that the motion be reopened for discussion and re-vote. The motion to reconsider may be made by any member, regardless of how he/she voted on the matter. A second shall be required, and discussion may follow as to the reasons for the motion. A majority vote shall be required to pass a motion to reconsider.

##### ***RATIONALE:***

*Cushing states in his manual on Parliamentary Law that "a motion to reconsider may be made at any time or by any member, precisely like any other motion."*

*The law validates Cushing's statement. "To deny any member the right to propose any motion, regardless of how he/she voted is discriminatory." Sturgis, page 41.*

#### **Section 4.13 Motion to Rescind.**

*A. Generally.* If a Board member wishes to annul an action taken at a previous meeting, the motion to rescind may be used, subject to the restrictions in this rule. The motion to rescind shall require prior notice at a regular meeting of the Board member's intent to move to rescind the previous action at a later regular meeting, the date of which shall be identified in the notice. The motion to rescind shall be placed on the agenda for the later meeting, a second is required, and discussion can go into the merits of the motion to rescind. If the previous action is rescinded, the question of whether a further motion and vote is needed will depend on the circumstances.

*B. Prevailing Side.* If the Board member voted on the prevailing side of the previous action, a majority shall be required to pass the motion to rescind.

*C. Losing Side.* If the Board member voted on the losing side of the Board's previous action, the motion to rescind shall be in order only if:

1. there subsequently has become known information that (i) would have been material to the Board's previous decision and (ii) would have militated for a different result; or

2. a rescission of the action is imperative to avoid a material cost, risk, harm, or other jeopardy to the county or its citizens, and the material cost, risk, harm, or other jeopardy could not have been known at the time of the Board's previous action.

Five votes shall be required to pass the motion to rescind when the member was on the losing side in the previous Board action.

*D. Motions Out of Order.* The motion to rescind shall not be in order if:

1. The motion to reconsider can be made (*i.e.*, at the same meeting).

2. A motion to reconsider was taken and lost on the date of the previous Board action.

3. The matter is routine and only part of the action needs to be changed, in which case the motion to "amend something previously adopted" shall be used.

4. Irrevocable action has been taken as a result of the previous vote.

5. The action taken was the granting of an application for a regulatory approval, and the applicant or his or her principal has taken substantial action in justifiable reliance on the Board's vote.

6. The Board member was not present when the previous action was taken.

7. More than two Board meetings have occurred since the previous action was taken.

8. The Board membership has changed after the previous action that is the subject of the motion to rescind.

#### **Section 4.14 Incidental Motions.**

Incidental motions have no rank and may be used throughout the meeting as described in Sections 4.15 through 4.19 of these Rules.

#### **Section 4.15 Point of Order.**

A member may call for a point of order if he/she believes that the Presiding Officer has failed to notice a breach in the Rules. This point of order shall require the Presiding Officer to make a ruling on the question involved.

#### **Section 4.16 Appeal from the Presiding Officer's Ruling.**

Whenever a member believes that the Presiding Officer is mistaken in his/her ruling, a Board member may appeal from the Presiding Officer's decision. It requires a second and is debatable, with the Presiding Officer speaking first explaining his or her ruling, and having the option to close the debate by a statement defending the ruling. (See examples in the Appendices.)

An appeal can be made on a ruling only and cannot be made:

1. In response to a parliamentary inquiry or a point of information.
2. In areas that challenge verifiable rulings of factual nature.

The vote shall be taken on sustaining the Presiding Officer's ruling, and a tie vote shall act to sustain the Presiding Officer's ruling.

#### **Section 4.17 Motion to Divide a Motion.**

If the motion presented contains two or more parts capable of standing as separate questions, the Presiding Officer or another Board member may move to "divide the motion." The motion requires a second, and discussion is allowed as to why it should be divided. A majority vote shall be required to pass the motion.

#### **Section 4.18 Motion to Consider Seriatim (by paragraph).**

If a main motion is in the form of a resolution or document containing several paragraphs or sections or parts, which are not the subject of separate motions but could be discussed more efficiently if discussed in sections or parts, the motion to discuss "seriatim" (by paragraph or sections or parts) may be made. A second is required and discussion shall be brief as to the necessity for the action. A majority vote shall be required to pass the motion.

#### **Section 4.19 Withdrawing a Motion.**

Once a motion has been moved and seconded, it belongs to the entire Board and not the maker of the motion; therefore, if a member wishes to withdraw a motion that is officially before the Board, action of the Board must be taken in either of the following ways:

A. *By Consent.* The Presiding Officer may simply ask the Board if there are any objections to the motion being withdrawn. If there are no objections, the motion shall be withdrawn. The person that has seconded it does not need to withdraw his/her second. If there is objection to it being withdrawn, then an official motion and vote shall be taken as described in subsection B.

B. *By Motion.* A member may move to withdraw the motion. A second is required and brief discussion on the desire to withdraw may be given. A majority vote is required.

*NOTE: Once a motion is withdrawn, either by general consent or by vote, it is struck from the record and is not recorded in the official minutes.*

#### **Section 4.20 Privileged Motions.**

Privileged motions shall be the highest ranking motions and shall be ranked in the order outlined in Section 4.02 of these Rules. Privileged motions shall consist of the motions described in Sections 4.21 through 4.23 of these Rules.

#### **Section 4.21 Motion to Adjourn.**

The highest ranking motion shall be the motion to adjourn, which requires a second and is not debatable, except that the motion shall contain a date and time to hear any non-completed items on the agenda. A majority vote shall be required to pass the motion. Alternatively, the Presiding Officer may adjourn the meeting, provided such adjournment is not objected to by a Board member. If a Board member objects, a motion, second and vote is required.

#### **Section 4.22 Question of Privilege.**

If anything occurs to cause a member of the Board to not be able to attend to the business before him or her (*e.g.*, too much noise, the microphone not working or matters that affect the safety, orderliness, or comfort of the members, or that affects the honor of an individual member), the member may state to the Presiding Officer that he/she has a question of privilege, and the matter must be addressed before the pending business of the Board continues. No vote is required unless a motion arises out of the privilege.

**Section 4.23 Recess.**

A recess may be taken as it appears on the agenda, by the Presiding Officer when he/she deems it advisable, or by a motion from a Board member. If the motion is made by a member, a second shall be required and a majority vote shall be required to pass the motion.

## ARTICLE V

### AMENDMENTS AND REVISIONS

**Section 5.01 Amendments and Revisions to Rules.** These Rules may be amended or revised by a vote of five (5) or more members of the Board at a regular or special meeting, provided notice of any proposed amendment or revision has been given to all Board members at the regular meeting no less than five (5) working days prior to the vote on the amendment(s) or revision(s).

**Section 5.02 Review of Rules.** The Board may periodically institute a review of the Rules.



## ***APPENDICES***

## APPENDIX A

### *EXAMPLES OF MOTIONS*

1. Main Motion:

“Mr. Mayor,” “I move . . . .”

Requires a second - is debatable.

#### **Subsidiary Motions:**

2. Amend:

a. “Mr. Mayor,” “I move to amend the motion.”

OR

b. “Mr. Mayor,” “I move to strike the word(s).”

“Mr. Mayor,” “I move to insert the word(s) and strike the word(s).”

Requires a second - majority vote necessary for approval.

c. Germane amendment: Example of a germane amendment: Pages 136-137 of *Robert's Rules of Order Newly Revised (11<sup>th</sup> edition)* states:

“By these rules, if a proposed amendment is related to the main motion in such a way that, after the adoption, rejection, or temporary disposal of the present main motion, the essential idea of the amendment could not be introduced as an independent resolution during the same session, the amendment is germane and should be admitted, since there will not, or may not, be any opportunity to present it later. This test cannot be reliably used to determine if an amendment is “out of order,” since it is sometimes possible for an amendment to be germane even if, regardless of action on the present main motion, the idea embodied in the amendment could be introduced independently later in the same session.”

Page 137 of *Robert's Rules of Order Newly Revised (11<sup>th</sup> edition)* continued states these examples:

“As an example of a germane amendment, assume that a motion is pending . . . to authorize the purchase of a new desk for the

Secretary. It would be germane and in order to amend by inserting after 'desk' the words 'and matching chair,' since both relate to providing the secretary with the necessary furniture. On the other hand, an amendment to add to the motion the words 'and the payment of the President's expenses to the State Convention,' is not germane.

. . . . "Or assume that the following is the pending motion: 'that the . . . council commend Officer . . . for his action in . . . ' An amendment to strike out 'commend' and insert 'censure' although antagonistic to the original intent, is germane and in order because both ideas deal with the council's opinion of the officer's action. Also, since a motion to censure the officer to the same act could not be introduced independently in the same meeting after the adoption of a motion to commend him, the amendment to change commend to censure is germane . . ." "It should be noted that censure is different from 'not commend.' " "Not commend" would be an improper amendment.

3. Refer:

"Mr. Mayor," "I move we refer the question to . . . ."

Requires a second - majority vote necessary for passage - limited debate.

4. Defer to a time certain (postpone):

"Mr. Mayor," "I move we postpone the question until (stating a specific time) . . . ."

Requires a second - majority vote necessary for passage - limited debate.

5. Limit Discussion or Debate:

"Mr. Mayor," "I move we limit debate (or discussion) to (stating a specific limit of time)"  
. . . .

Requires a second - A vote of a majority plus one of the members present shall be required to pass. The motion is not debatable.

6. Call the Question:

"Mr. Mayor," "I call the question." OR  
"I move to close discussion"

Second is required - A vote of a majority plus one of the members present shall be required to pass. The motion is not debatable, but must be voted upon.

7. Amend Something Previously Adopted:

“Mr. Mayor,” “I move to amend the motion adopted at our last meeting by . . . .”

Second is required - is debatable - majority if it is an official agenda item five (5) members of the Board if it is not an official agenda item.

8. Reconsider:

“Mr. Mayor,” “I move we reconsider the . . . (previously adopted motion).”

Second is required - majority vote necessary for passage - is debatable as to the reasons for reconsideration.

9. Rescind:

“Mr. Mayor,” “I move to rescind the . . . .”

Second is required - majority vote with previous notice.

Discussion on motion allowed.

**Incidental Motions:**

1. Point of Order:

“Mr. Mayor, Point of Order.”

After recognition by the County Mayor, the member states his/her objection. There can be no discussion on the Point of Order. No vote, unless a motion arises out of the Point of Order.

2. Divide a Motion:

“Mr. Mayor,” “I move to divide the motion so as to consider separately . . . .”

(Stating the issues to be considered)

Second is required - majority vote necessary for passage.

Discussions shall be allowed on why it should be divided.

3. Consider by paragraph or seriatim:

“Mr. Mayor,” “I move that the motion be considered by paragraph (or seriatim) . . . .”

Second is required - majority vote necessary for passage. Discussion shall be brief on the necessity for the action.

4. Withdrawing a Motion:

“Mr. Mayor,” “I withdraw the motion.”

The motion is only necessary if there is an objection to the withdrawal.

Second is required - majority vote necessary for passage. Brief discussion on the reason to withdraw may be given.

5. Appeal the decision (of the chair):

“I appeal from the decision of the chair:”

Second is required - a majority or tie vote upholds the chair’s decision.

Debate on motion to appeal is allowed with the chair speaking first and last.

### **Privileged Motions:**

1. Adjourn:

“Mr. Mayor,” “I move to adjourn.”

Requires a second - majority vote necessary for passage. There can be no discussion.

Chair may adjourn if the agenda is completed.

2. Motions of Privilege:

“I rise to a question of privilege affecting the meeting.” OR

“I rise to a question of personal privilege.” The chair will then request the member state his/her question of privilege.

There is no discussion on the question.

3. Recess:

“Mr. Mayor,” “I move to recess until . . . .”

(Stating exact limit of recess)

Second is required - majority vote necessary for passage.

There is no discussion on the motion.

The Presiding Officer may call for a recess, when necessary.

## **APPENDIX B**

### ***DEFINITION OF PARLIAMENTARY TERMS***

#### **Adhere:**

To be attached to and dependent on; pending amendments adhere to the motion to which they are applied.

#### **Ad-hoc Committee:**

A special committee chosen to do a particular task of work only.

#### **Adjourn:**

To officially terminate a meeting.

#### **Adjourned Meeting:**

A meeting that is a continuation at a later specified time of an earlier regular or special meeting. The continuation is always a part of the earlier meeting.

#### **Adopt:**

To approve by vote. To pass by whatever vote required for the motion.

#### **Affirmative Vote:**

The “aye” or “yes” vote supporting a motion as stated.

#### **Agenda:**

The official list of items of business planned for consideration during a meeting.

#### **Approval of Minutes:**

Formal acceptance of the record of a meeting thus making the record the official minutes of the Board.

#### **Board:**

Board of County Commissioners of Orange County, Florida.

**Chair:**

The Orange County Mayor or, in his or her absence, the Vice-Mayor or Immediate Past Vice-Mayor.

**Charter:**

The right to operate as an incorporated body. In Orange County, “charter” means the charter as it was adopted by the electorate in 1986, as revised and as it may be further revised or amended in the future.”

**Common Parliamentary Law:**

The body of rules and principles that is applied by the courts in deciding litigation involving the procedure of any organization. It does not include statutory law or particular rules adopted by any organization or board.

**Convene:**

To open a meeting.

**Debate:**

Formal discussion of a motion under the rules of parliamentary law. (More often in these rules referred to as “discussion.”)

**Defer or Commit:**

To not take action by either referring it to a committee, or back to a committee for another time certain.

**Delegation of Authority:**

Authority given by the Board in certain matters to act for the Board that are lawful and capable of being delegated.

**Demand:**

An assertion of a parliamentary right by a member of the Board.

**Dilatory motions or Tactics:**

Misuse of procedures or motions that are out of order or would delay or prevent progress in a meeting.



**Discretionary Duty:**

A duty that usually cannot be delegated to another because of the special intelligence, skill, or ability of the person chosen to perform the duty.

**Ex-officio:**

A person who is assigned to a board or committee by virtue of the office he/she hold. All rights are given the ex-officio member as the other members on the committee or board, except that they are not counted in the quorum. These Rules apply unless the Rules of the Board state differently.

**Floor (as in “have the floor”):**

When a member receives formal recognition from the chair, he “has the floor” and is the only member entitled to make a motion or to speak.

**General Consent:**

An informal method of disposing of routine motions by assuming unanimous approval unless objection is raised. Method: “Are there any objections? Hearing none, the motion has passed.”

**Germane Amendment:**

An amendment relating directly to the motion to which it is applied.

**Germane Discussion:**

Discussion relating directly to the matter involved.

**Hearing:**

A meeting of the Board for the purpose of listening to the views of an individual or of a particular group on a particular subject.

**Hostile Amendment:**

An amendment that is opposed to the spirit or purpose of the motion to which it is applied.

**In Order:**

Permissible and right from a parliamentary standpoint, at the particular time.

**Invariable in Wording:**

When a motion can be worded one way only and so is not subject to amendment, it is said to be invariable in wording.

**Majority Vote:**

More than half of the number of legal votes cast for a motion.

**Minutes:**

The legal record of the action of the Board (or anybody) that has been approved by vote of the body.

**Motion:**

A proposal submitted to the Board for its consideration and decision; it is introduced by the words, "I move . . . ."

**Objection:**

The formal expression of opposition to a proposed action.

**Order of Business:**

The adopted order in which the business is presented to the meeting of the Board.

**Out of Order:**

Not correct, from a parliamentary standpoint, at the particular time.

**Parliamentary Authority:**

The code of procedure adopted by the Board as its parliamentary guide and governing in all parliamentary situations not otherwise provided for in the charter or in the Board's Rules.

**Pending Motion:**

Sometimes referred to as Pending Question. Any motion that has been proposed and stated by the chair for the Board's consideration and that is awaiting decision by vote.

**Precedence:**

The rank or priority governing the motion.

**Precedent:**

A course of action that may serve as a guide or rule for future similar situations.

**Proposal or Proposition:**

A statement of a motion of any kind for consideration and action.

**Quorum:**

The number of persons that must be present at a meeting of the Board to enable it to act legally on business.

**Recognition:**

Acknowledgment by the chair, giving a member sole right to speak.

**Reconsider:**

To review again a matter previously disposed of, and to vote on it again.

Must be made on the same meeting.

**Request:**

A statement to the chair asking a question or some "right."

**Rescind:**

To nullify or cancel out a previous action.

**Resolution:**

A formal motion, usually in writing, and introduced by the word "Resolved," that is presented to the Board for a decision.

**Resolution of Thanks:**

A formal resolution given by the Board to a person for a special service(s) from the Board.

**Restricted Discussion:**

Discussion on certain motions in which discussion is restricted to a few specified points.

**Roll Call Vote:**

A recorded vote taken by calling the roll of the Board.

**Ruling:**

A pronouncement of the chair that relates to the procedure of the Board.

**Second:**

After a motion has been proposed, the statement "I second the motion," or "second" by another member who thus indicates his willingness to have the motion considered.

**Seriatim:**

Consideration by sections or paragraphs.

**Special Committee:**

A committee that is selected to do a particular piece of work and that ceases to exist when its mission is completed.

**Standing Committees or Boards:**

A committee that has a fixed term and that performs any work in its field assigned to it by the County or the Board.

**Statute:**

A law passed by the legislature.

**Tie Vote:**

A vote in which the affirmative and negative votes are equal on a motion.

**Unanimous Consent:**

Deciding a routine motion without voting on it. If anyone objects, a vote must be taken.

**Unfinished Business:**

Any business that is postponed definitely to a time certain.

**Voice Vote:**

A vote taken by asking for the “ayes” and “noes.” A person voting “aye” shall be a person in favor and a person voting “no” shall be in opposition.