



AGENDA
FERNANDINA BEACH CITY COMMISSION
WORKSHOP
NOVEMBER 7, 2023
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PRESENTATION**
5. **DISCUSSION**
 - 5.1 **BOARD OF ADJUSTMENT AND HISTORIC DISTRICT COUNCIL - VARIANCE PROCEDURES** - *Discuss moving the Board of Adjustment and Historic District Council variance requests to the oversight of the City Commission. This item is placed on the agenda at the request of Commissioner Ayscue.*
 - 5.2 **COMMISSION RULES OF PROCEDURE** - *This item is placed on the agenda based on Commission direction at their October 17, 2023, Regular Meeting.*
6. **ADJOURNMENT**

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE. AT THE DISCRETION OF THE MAYOR, A RECESS MAY BE SCHEDULED EVERY NINETY MINUTES.

Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired).

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Board of Adjustment - Variance Procedures

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Commissioner Ayscue. Discuss moving the Board of Adjustment variance requests to the oversight of the City Commission. This item is placed on the agenda at the request of Commissioner Ayscue.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S): At the pleasure of the City Commission.

Agnes White, Administrative Services Manager	10/24/2023
Charles George, Interim City Manager	10/30/2023
Ty Ross, City Manager	10/30/2023
Tammi E. Bach, City Attorney	10/30/2023

Caroline Best

Date: October 04, 2023

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION:

1. The Building Official shall immediately notify the Director of the Department of Planning & Conservation of cases where there are emergency conditions dangerous to life, health or property affecting a building or structure in a historic district or a building or structure that has been listed individually or deemed eligible for individual listing in the National Register, or a building over 45 years old. Notification to the Director of the Department of Planning & Conservation shall consist of a written report from a Building or Code Enforcement Inspector describing the dangerous conditions, and any other documentation that the Community Development Director shall require.
2. The Director of the Department of Planning & Conservation shall consult with Historic District Council staff and the Historic District Council Chair or HDC designee upon receipt of the statement or as soon as is practicably possible. The Director, staff, and the HDC Chair or HDC designee shall determine whether any additional information or documentation is needed. If so, the documentation or information shall be obtained by the Building Official. If not, or when requested information is received and approved by staff and the HDC Chair or designee, an emergency Certificate of Approval (COA) will be issued by staff and the HDC Chair without approval of the full HDC.

8.03.09 Appeals

- A. Any person aggrieved by any decision of the HDC may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition must be presented to the court within 30 days after the HDC will be final.
- B. An applicant may appeal a decision of the City Manager, or his/her designee, to the HDC. The applicant must submit the appeal in writing to the City Manager's Office and must state the reasons for the appeal.

8.03.10 Enforcement; Penalties; Injunctive Relief

A. Enforcement

1. The City shall promptly stop any work attempted to be done without or contrary to a Certificate of Approval issued under this chapter.
2. Any sign or exterior illumination of walls, exterior roofs, or appurtenances of buildings displayed contrary to the provisions of this LDC shall be removed.
3. If the owner of the structure or building fails to correct the defects as outlined in this section, after knowledge of the existence of such defects has been brought to his attention, the owner shall be found in violation of this LDC, and shall be subject to a fine.

B. Penalty; restoration of building to former appearance

1. A violation of this LDC shall be a separate offense for each day or portion thereof during which any such violation continues to occur and each offense shall be punishable by a fine.
2. Any person who demolishes, alters, or constructs a building or structure in violation of this chapter shall be required to restore the building or structure and its site to its appearance prior to the violation. This civil remedy shall be in addition to and not in lieu of any civil or criminal prosecution and penalty.

8.03.11 Tax Exemptions for Historic Properties

Tax exemptions on City ad valorem taxes for qualifying projects are explained in the City Code of Ordinances, Chapter 74, Article V.

11.06.03 Major Amendments

Any proposed change to an approved local development order that is not a minor amendment as described in Section 11.06.01 shall be considered a major amendment. Major amendments are processed in the same manner as the original application.

11.07.00 APPEALS OF ADMINISTRATIVE ACTIONS

11.07.01 Applicability

- A. A person adversely affected by the administrative decisions listed below in subsection (B) may appeal such decision to the BOA. Statements, proposed findings, evaluations, and conclusions contained in a compliance report or other report issued by the City Manager for consideration by a board or commission, or the City Commission will not be construed as an administrative decision and will not be subject to appeal.
- B. Only the following administrative decisions are subject to appeal as set forth herein:
 - 1. Tree permits;
 - 2. Temporary use permits;
 - 3. Lot line adjustments;
 - 4. Minor amendments to local development orders;
 - 5. Administrative waivers;
 - 6. Context Sensitive Setback Determination;
 - 7. Decisions of the Building Official
 - 8. Decisions of the Fire Marshal
 - 9. Determination regarding change of use;
 - 10. Written interpretations regarding use or zoning district boundaries when such interpretations are not contained within a compliance report; and
 - 11. Determination of Sufficiency and Completeness as required by LDC Section 11.03.01 (B).

11.07.02 Time for Filing Administrative Appeal

An application for consideration of an appeal of an administration decisions shall be filed with the City Manager within thirty (30) days of such decision.

11.07.03 Stay of Proceedings

An appeal to the BOA stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the City Manager certifies to the BOA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

11.07.04 Hearing before the Board of Adjustment

- A. A public hearing before the BOA shall be scheduled according to the published schedule for hearings.
- B. The City Manager shall prepare a report containing an evaluation of the appeal, including consistency of the administrative decision with the requirements of this LDC and the comprehensive plan.
- C. Notice shall be provided as set forth in Section 11.02.00.
- D. The BOA shall conduct a quasi-judicial hearing, pursuant to the requirements of Section 11.04.00.
- E. Any party may appear in person or be represented by an agent or attorney.
- F. The BOA shall hear the appeal and shall determine whether to:
 - 1. Reverse, wholly or partly, the administrative decision that is the subject of the administrative appeal;

2. Affirm, wholly or partly, the administrative decision that is the subject of the administrative appeal; or
 3. Modify the administrative decision that is the subject of the administrative appeal.
- G. The concurring vote of five (5) members of the BOA shall be necessary to reverse any administrative decision.
- H. The decision shall be in writing and shall contain findings of fact and conclusions of law.

11.08.00 VIOLATIONS

11.08.01 Generally

It shall be a violation of this LDC to:

- A. Use or develop property without a local development order or development permit required by this LDC for such use or development;
- B. Use or develop any property for use that is not permissible in the applicable zoning district;
- C. Use or develop property in violation of the conditions and limitations for such use or development set forth in this LDC;
- D. Use or develop property in violation of the conditions set forth in the applicable local development order;
- E. Violate the terms or conditions of any development permit issued under or pursuant to this LDC; or
- F. Construct or move any structure in violation of the applicable provisions of this LDC.

11.08.02 Enforcement

- A. The City Manager shall be responsible for enforcement of the provisions of this LDC.
- B. The City Manager shall provide a written notice of an alleged violation of this LDC to the property owner. The written notice shall indicate the nature of the violation and the necessary action to correct or abate the violation.
- C. The City Manager, or where required by the Florida Building Code, the Building Official, may order discontinuance of the use of land or buildings; removal of trees; removal of buildings, building additions, or building alterations; removal of structures; discontinuance of work in progress; application to any court for injunctive relief; filing liens against assets of a violator; revocation of any building permit or certificate of occupancy; or any or all other action necessary to correct violations and obtain compliance with all the provisions of this LDC.

11.08.03 Penalties

- A. Except as otherwise specifically provided herein, any person, property owner, or any agency or representative thereof who violates the provisions of this LDC shall be punished by a penalty not exceeding \$500.00 per violation, imprisonment for a term not to exceed sixty (60) days, or both fine and imprisonment.
- B. Each day that a violation shall continue to exist shall be considered a separate violation and may be prosecuted as such.
- C. No further City permits shall be issued or inspections provided until all violations of this LDC are corrected and accepted by the City Manager.
- D. No certificate of occupancy shall be granted unless and until the all corrective actions have been completed or a performance bond satisfactory to the City is submitted and approved.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Commission Rules of Procedure.

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda based on Commission direction at their October 17, 2023, Regular Meeting. At the pleasure of the Commission, staff will take direction on changes to the Rules of Procedure, and prepare a Resolution for consideration at an upcoming meeting.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): At the pleasure of the Commission.

Tammi E. Bach, City Attorney 10/30/2023

Agnes White, Administrative Services Manager 10/30/2023

Charles George, Interim City Manager

Ty Ross, City Manager

Date: October 18, 2023

Submitted By: Katie Newton, Paralegal

COMMISSION ACTION:

CITY COMMISSION RULES OF PROCEDURE CITY OF FERNANDINA BEACH, FLORIDA

TABLE OF CONTENTS

Section 1. AUTHORITY.....	2
Section 2. MEETINGS	
2.1 Regular Meetings	2
2.2. Special Meetings	2
2.3. Public Notice.....	2
2.4. Quorum.....	2
2.5. City Manager Participation	2-3
2.6. City Attorney Participation	3
2.7. City Clerk Participation	3
2.8. Workshop Meetings	3
Section 3. CODE OF CONDUCT	
3.1. City Commission Members	3-4
3.2. Administrative Staff.....	4
3.3. Citizens and Other Visitors.....	4-5
3.4. Enforcement	5
Section 4. DUTIES AND PRIVILEGES OF MEMBERS	
4.1. Seating Arrangement.....	5
4.2. Right of Floor	5
4.3. Conflict of Interest	5
4.4. Right of Appeal.....	5-6
4.5. Voting	6
4.6. Excusal from Attendance.....	6
4.7. Excusal During Meeting	6
4.8 No Cell Phones During Meetings	6
Section 5. CHAIR AND DUTIES	
5.1. Chair.....	6
5.2. Call to Order	6
5.3. Preservation of Order	7
5.4. Questions to be Stated.....	7

Section 6. AGENDA AND PUBLIC SPEAKING

6.1. Citizen Speakers.....	7-8
6.2. Order of Business and Public Speaking	8
6.3 Agenda	9

Section 7. CONSIDERATION OF ORDINANCES, RESOLUTIONS AND MOTIONS

7.1. Printed Form	9
7.2. Rules of Order.....	9
7.3. Order of Precedence of Motions	9-10
7.4. Reconsideration.....	10
7.5. The Previous Question.....	10
7.6. Withdrawal of Motions	10
7.7. Amendments to Motions.....	10
7.8. Suspension of Rules.....	11

Section 1. AUTHORITY

Florida Statutes provide for open meetings of the City Commission at which reasonable opportunity shall be given for citizens to be heard under such rules as the City Commission may provide. The Rules of Procedure establish guidelines to be followed by all persons attending a City Commission meeting, including members of the City Commission, administrative staff, news media, and visitors. [Section 286.011, Florida Statutes, and City Charter Section 19]

Section 2. MEETINGS

2.1. Regular Meetings. The City Commission shall meet at 6:00 P.M. on the first and third Tuesdays of each month [Section 2-61 City Code]

2.2. Special Meetings. The Mayor, any two members of the Commission or the City Manager may call special meetings of the Commission upon at least twenty-four (24) hours written notice to every Commissioner [City Charter Section 19] in accordance with Florida Sunshine Law requirements.

(A) Special Meetings of Boards and Committees. The City Manager or any two members of the Commission may call special meetings of any ad hoc or standing committee or board whose members are appointed by the City Commission.

2.3. Public Notice. The agenda for all regular meetings and the notice listing items to be considered shall be posted by the City Clerk's Office on the City's official bulletin board at City Hall and on other public bulletin boards on City property in accordance with the Florida Open Meetings Laws. [Chapter 286, Florida Statutes]

2.4. Quorum. A majority of the members of the City Commission shall constitute a quorum. A quorum of the City Commission must be present to conduct a City Commission regular or special meeting, except that a quorum is not required to hear proclamations and special recognitions. [City Charter Section 21].

2.5. City Manager Participation. The City Manager or City Manager pro tem, shall attend all meetings of the City Commission. The City Manager may make recommendations to the City Commission and shall have the right to take part in all discussions, but shall have no vote. [City Charter Section 29]

2.6. City Attorney Participation. The City Attorney or City Attorney pro tem shall attend all meetings of the City Commission and shall upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the City Commission's parliamentarian. [City Charter Section 31].

2.7. City Clerk Participation. The City Clerk or designated Deputy City Clerk shall attend all meetings of the City Commission and shall keep accurate records of all actions taken by the City Commission. [City Charter Section 47].

2.8. Workshop or Work Session Meetings. During workshop or work session meetings, public comment will be allowed using the same rules as City Commission meetings.

Section 3 - CODE OF CONDUCT

3.1. City Commission Members.

(a) During City Commission meetings, City Commission members must assist in preserving order and decorum and can neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the Mayor (or other presiding officer) or the rules of the City Commission.

(b) A City Commission member desiring to speak must address the Mayor and, upon recognition by the Mayor, must confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

(c) A City Commission member desiring to question the administrative staff will address questions to the City Manager who is entitled either to answer the inquiries or to designate some member of city staff for that purpose. City Commission members must not berate nor admonish staff members.

(d) A City Commission member, once recognized, must not be interrupted while speaking unless called to order by the Mayor, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a City Commission member is called to order while speaking, that member must cease speaking immediately until the question of order is determined. If ruled to be in order, the member

must be permitted to proceed. If ruled to be not in order, the member must remain silent or make additional remarks so as to comply with rules of the City Commission.

(e) City Commission members must confine their questions to the particular matters before the Commission and in debate must confine their remarks to the issues before the City Commission.

3.2 Administrative Staff.

(a) Members of the administrative staff and employees of the City shall observe the same rules of procedures and decorum applicable to members of the City Commission.

(b) Although the Mayor has the authority to preserve decorum in meetings, the City Manager also is responsible for the orderly conduct and decorum of all city employees under the City Manager's direction and control.

(c) The city manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in City Commission meetings.

(d) All persons addressing the City Commission, including the city manager, other staff members, or members of the public shall be recognized by the Mayor and shall limit their remarks to the matter under discussion.

(e) All remarks and questions addressed to the City Commission shall be addressed to the City Commission as a whole and not to any individual member.

(f) No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Mayor.

3.3. Citizens and Other Visitors.

(a) Citizens and other visitors are welcome to attend all public meetings of the City Commission and will be admitted to the City Commission chamber or other room in which the City Commission is meeting up to the fire safety and public health capacity of the room.

(b) Everyone attending the meeting will refrain from private conversations while the City Commission is in session.

(c) Citizens and other visitors attending City Commission meetings must observe the same rules of propriety, decorum and good conduct applicable to members of the City Commission.

(d) Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Commission or while attending the City

Commission meeting will be removed from the room if the Chief of Police or his/her designee is so directed by the Mayor, and the person will be barred from further audience before the City Commission during that session of the City Commission. If the presiding officer fails to act, any member of the City Commission may move to require enforcement of the rules, and the affirmative vote of a majority of the City Commission requires the Mayor to act.

(e) Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping and similar demonstrations will not be permitted by the Mayor, who may direct the Chief of Police or his/her designee to remove offenders from the room. In case the Mayor fails to act, any member of the City Commission may move to require enforcement of the rules, and the affirmative vote of the majority of the City Commission requires the Mayor to act.

(f) No placards, banners, or signs will be permitted in the City Commission chamber or in any other room in which the City Commission is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Commission, however, are permitted. Video presentations requested by citizens as visual aids will not be broadcasted over cable television.

(g) Citizens or other visitors attending City Commission meetings must not bring food or drink into the City Commission Chamber or into any other room in which the City Commission is meeting.

3.4 Enforcement. The Chief of Police or his/her designee shall act as sergeant-at-arms for the City Commission and shall furnish whatever assistance is needed to enforce the rules of the City Commission.

Section 4 - DUTIES AND PRIVILEGES OF MEMBERS

4.1. Seating Arrangement. City Commission members shall occupy the seats in the City Commission chamber assigned to them by the City Clerk.

4.2. Right of Floor. A City Commission member who desires to speak must be recognized by the Mayor. No member shall address the Mayor or demand the floor while a vote is being taken.

4.3. Conflict of Interest. A Commission member prevented from voting by a conflict of interest shall not vote on the matter, but may participate in the discussion, disclose the nature of the conflict of interest to the Commission prior to a vote being taken, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest.

4.4. Right of Appeal. Any member may appeal to the City Commission from a ruling of the Mayor. If the appeal is seconded, the Commissioner making the appeal may briefly explain the ruling; but there shall be no debate on the appeal, and no other Commissioner shall participate in the discussion. The Mayor shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "Aye," (or "Yes") the ruling of the chair is sustained; otherwise, it is overruled.

4.5. Voting.

(a) Every Commission member present when a question is called must vote either "Yes" or "No" except on matters involving a conflict of interests.

(b) After the result of a vote is announced, a Commission member may not change a vote.

4.6. Excusal from Attendance. City Commission members are expected to attend meetings and stay in attendance during each meeting.

4.7. Excusal During Meetings. No member should leave a City Commission meeting while in session without advising the Mayor.

4.8. No Cell Phones or Mobile Devices During Meetings. There must be no cell phone use during Commission meetings by City Commissioners. The dais is equipped with computers and/or tablets that provide internet access for research during meetings. City staff and the public are specifically exempted from this rule. However, City staff, contractors and consultants must be mindful of the distracting nature of using mobile devices during Commission meetings and take care to silence all mobile devices.

Section 5 - CHAIR AND DUTIES

5.1. Chair. The Mayor, if present, shall preside as chair at all meetings of the City Commission. In the absence of the mayor, the Vice Mayor shall preside. In the absence of both the Mayor and Vice Mayor, the Commission shall elect a chair. If the Mayor vacates the chair during a meeting, and the Vice Mayor is not available, the Mayor may, subject to the approval of the City Commission, appoint a temporary chair.

5.2. Call to Order. The meetings of the City Commission shall be called to order by the Mayor.

5.3. Preservation of Order. The Mayor shall preserve order and decorum, call upon the sergeant-at-arms as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion.

5.4. Questions to be Stated. The Mayor shall state all questions (restate motions) submitted for a vote and announce the result of the vote.

Section 6 – AGENDA AND PUBLIC SPEAKING

6.1. Citizen Speakers. At City Commission regular meetings, a person may address the City Commission concerning voting items on the agenda or may speak during the portion of the agenda providing for citizen and non-citizen speakers to speak on items not on the agenda in accordance with the following rules:

(a) Speakers to Register. A person wishing to address the City Commission must

register with the City Clerk and complete a speaker's form provided by the City Clerk prior to the end of the meeting at which they speak.

(b) Speaker Rules. In order that the City Commission may properly consider each matter brought to it by citizens, speakers are asked to observe the following rules:

- (1) Only one person may approach the microphone at any one time, and only the person at the microphone will be allowed to speak.
- (2) There will be no substitutions or pooling of speakers.
- (3) Speakers must address their comments to the Mayor rather than individual City Commission members or staff.
- (4) Speakers may file copies of their remarks or supporting information with the City Clerk. The City Clerk will make the information available to the City Commission and City manager if requested.
- (5) A person who addresses the City Commission during a public hearing must limit remarks to the specific subject matter being considered by the City Commission in that public hearing.
- (6) Fernandina Beach citizens will be allowed to speak before nonresidents.

(c) Time Limits on Voting Items. The length of time a person will be allowed to speak on voting items at City Commission meetings will be determined according to the following rules:

- (1) A person who registers to speak on a voting item on the agenda will be called on at the time the item is considered by the City Commission and will have a maximum of three (3) minutes to speak. The Mayor determines the order in which speakers are called. The order in which speakers are called is not required to be in the order that items appear on the agenda, nor are all speakers on a particular item required to be called at the same time. If an item is deferred from a City Commission agenda, a speaker who signed up to speak on the item may not be heard until the item is actually considered by the City Commission.
- (2) The Mayor may impose more restrictive time limits on voting items that are not public hearings, but for which a large number of persons register to speak.

(d) Time Limits for Speaking about Items not on the Agenda. The City Commission will provide an opportunity for citizens to present concerns or address issues that are not matters for consideration listed on a posted meeting agenda during the portion of the agenda providing for citizen and non-citizen comments at regular City Commission meetings, subject to the following rules:

(1) Each speaker may speak only once, and the length of time a person will be allowed to speak during the open citizen or non-citizen comment is (3) three minutes. If a large number of speakers register for the open comment portion of the agenda, however, the Mayor may, with the concurrence of a majority of the City Commission, impose more restrictive time limits in order to allow the maximum number of persons to speak.

(2) The order in which speakers will be called will be determined by the Mayor.

(e) During designated speaker times, City Commission members may ask factual questions or make a brief acknowledgement of speakers. Speakers will have one (1) minute to respond. More time may be granted to the speaker for a response at the discretion of the Mayor or by a non-debatable motion approved by the City Commission. Commission members will refrain from debate on any item during time allotted to speakers unless a specific time is granted by the Mayor or by a non-debatable motion approved by the City Commission.

(f) Use of Interpreters. Whenever it is necessary for a speaker to use an interpreter to translate his/her comments to the City Commission, the time required for the translation will not be counted against the designated time allotted for the speaker to address the City Commission.

6.2 Order of Business; Public Speaking and Motions. For voting items on an agenda, the order of business is:

- 1) The City Manager or Attorney will introduce the item
- 2) Staff presentation if appropriate
- 3) Public input for speakers who registered to speak on that agenda item
- 4) Discussion by the City Commission
- 5) Motion made by Commission member and seconded by another Commission member
- 6) Any further discussion or motion amendments
- 7) Motion or amended motion restated by Mayor
- 8) Mayor asks the City Clerk to conduct the roll call vote.

6.3 Agenda. All discussion items (not resolutions or ordinances) and presentations will be added to Commission agendas through the City Manager's Office in accordance with deadlines for submission approved by the City Manager. Only discussion items related to health, safety and welfare may be added to a Commission agenda without proper notice. Presentations are limited to ten (10) minutes unless the City Manager or a majority of the City Commission waives or alters the time limit.

6.4 Information Provided by Commissioners. Any and all documents, information, memoranda, research materials and agenda item backup materials must be submitted to the City Manager and/or City Clerk in accordance with deadlines for submission approved by the City Manager for Commission

meetings. PowerPoint or other projectable presentation formats may be prepared and submitted to the City Clerk for public display in the Commission Chambers on the projection screen as late as 24 hours prior to the public meeting as long as everything in the projectable presentation was previously submitted as backup material in accordance with agenda submission deadlines. If a Commissioner receives the meeting agenda and backup materials for a meeting and wishes to provide supplemental or rebuttal information, documents, research materials in response to information on a published agenda but too late to meet the City Manager's agenda deadlines, the Commissioner should still submit the information to the City Manager with the understanding that the applicable agenda item may be moved to the next available Commission meeting date by majority vote of the City Commission, subject to the Florida Sunshine Law.

Section 7 - CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS

7.1. Form. All ordinances and resolutions will be presented to the City Commission in printed and electronic form.

7.2. Rules of Order. These Rules of Procedure govern the proceedings of the City Commission of the City of Fernandina Beach. If there is a motion or action that is not covered by these Fernandina Beach City Commission Rules of Procedure, then state law, City Charter, City ordinances, City resolutions and then the most recent edition of Roberts Rules of Order Revised for Small Boards govern the proceedings of the City Commission, in that order.

Additionally:

- Members may remain seated while making motions or speaking.
- There is no limit to the number of times a member may speak to a debatable question.
- Motions to close or limit debate are not to be permitted.
- Informal discussion of a subject is permitted while no motion is pending.
- The chair need not rise while putting questions to a vote.
- The chair must relinquish the chair to make a motion or amend a motion.
- The chair may, without leaving the chair, speak in informal discussions, participate in debate of a motion, second a motion or amendment to a motion and must vote on all questions.

7.3. Order of Precedence of Motions. The following motions shall have priority in the order indicated:

1. Adjourn (when privileged) - See notes 1 and 2
2. Take a recess (when privileged) - See notes 1 and 3
3. Raise a question of privilege
4. Lay on the table
5. Previous question - See note 5
6. Limit or extend limits of debate - See notes 3 and 5
7. Postpone to a certain time - See note 3
8. Commit or refer - See note 3
9. Amend - See notes 3 and 4
10. Postpone indefinitely

11. Main motion - See note 3

Note 1: The first two motions are not always privileged. To adjourn shall lose its privileged character and be a main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.

Note 2: A motion to adjourn is not in order: (1) when repeated without intervening business or discussion; (2) when made as an interruption of a member while speaking; (3) while a vote is being taken.

Note 3: Can be amended - others cannot be amended.

Note 4: A motion to amend shall be non-debatable when the question to be amended is non-debatable.

Note 5: Two-thirds vote of members present required.

7.4. Reconsideration.

(a) A motion to reconsider any action of the City Commission may be made, seconded, and voted on not later than the next succeeding voting agenda meeting of the City Commission. If reconsideration of the Commission action has not been posted on the Commission agenda for the meeting at which the motion to reconsider is made, however, actual reconsideration of the item must be delayed until the next voting agenda meeting after the posting requirements of the Sunshine Law are met.

(b) A motion to reconsider an action of the City Commission may only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Commission, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

7.5. The Previous Question (Calling the Question). When the previous question is moved and seconded, it shall be put as follows: "Shall the main question be considered now?" There shall be no further amendment or debate, but pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the City Commission. An affirmative vote of two-thirds of the City Commission members present shall be required to approve the previous question. (To demand the previous question is equivalent in effect to moving "that debate now cease, and the City Commission immediately proceed to vote on the pending motion." In practice, this is done with the phrase "Call for the Question," or by simply saying "Question.")

7.6. Withdrawal of Motions. A motion may be withdrawn, or modified, by its mover without asking permission until the motion has been restated by the Mayor. If the mover modifies the motion, the seconder may withdraw the second. After the question has been restated, the mover shall neither withdraw it nor modify it without the consent of the City Commission.

7.7. Amendments to Motions. A main motion may be amended by any member by moving to amend the motion by either:

- 1) inserting or adding words;
- 2) striking (deleting) consecutive words; or
- 3) striking and inserting new language.

In making the motion to amend the member specifies the location for the deletions and/or insertions. The amendment must relate to the subject of the motion it is amending. A motion to amend may be amended. Any member may move to amend a primary amendment with a secondary amendment. Primary and secondary amendments require a second and a majority vote to pass.

7.8 Suspension of Rules. Subject only to the limitations imposed by the City Charter and state law, any of the foregoing rules may be suspended for the meeting then in session by unanimous vote of the City Commission.