



CITY COUNCIL

RULES OF PROCEDURE

and

PROCEDURAL GUIDELINES

UPDATED MARCH 3, 2011

RULES OF PROCEDURE

Rule 1.

MEETING SCHEDULE

- A. The City Council (the “Council”) shall meet in the Council Chambers at 7:00 p.m. or as set by vote from time to time by the City Council, but in no case later than 7:30 pm, in a workshop meeting (“Workshop”) and/or regular session meeting (“Regular Session”) on the first and third Thursday of each month, and at such other times as it may be called, pursuant to Section 3.5(5) of the City Charter. The City Council may meet at other times for the purpose of holding a Workshop or Regular Session meeting. Each meeting of the Council shall be a “session” within the meaning of Section 8 of Robert’s Rules of Order, newly revised, as from time to time amended, and the adjournment of each meeting shall be an adjournment *sine die*.
- B. Council may cancel or reset any meeting by a majority vote of Council, so long as at least one regular meeting is held each month in accordance with Section 3.5(1) of the City Charter.
- C. In order to expedite the seating of newly elected City officials, a Regular Session of the City Council shall be held at 7:00 p.m. on the first Thursday following the certification of election results. If this meeting falls on an official holiday, a Regular Session shall be held on the following Thursday at 7:00 p.m.
- D. Any meeting of the City Council that is convened after certification of election results but prior to the seating of newly elected City officials shall be deemed a Regular Session of the City Council. If insufficient time is available for a previously scheduled Workshop to be reposted as a Regular Session to comply with this Rule, the Workshop shall not be held.

Rule 2.

VOTING

- A. Pursuant to Section 6.2(2) of the City Charter, every ordinance, other than an emergency ordinance, requires the affirmative vote of the majority of the members of Council present on the first reading, and the affirmative vote of four (4) members of Council for passage on final reading.
- B. Pursuant to Section 6.5(7) of the City Charter, emergency ordinances shall require five affirmative votes.
- C. Pursuant to Section 6.2(3) of the City Charter, resolutions and motions require the affirmative vote of a majority of the Council members present.
- D. Any Councilmember shall be permitted to explain his/her vote.
- E. A Councilmember may change his/her vote before the result has been announced, but not thereafter; provided, however, that a Councilmember may change his/her vote upon reconsideration.

- F. Any Councilmember absent from a public hearing shall not vote on matters regarding said public hearing, unless such Councilmember has listened to the tapes of the portions of the public hearing that he/she has missed.
- G. Council members shall not attend any quasi-judicial hearing of any lower tribunal of the City where the lower tribunal considers any matter which may be submitted to Council through the legal process or an appeal unless the Councilmember is a party to that action; provided, however, that if a Council member does attend such a hearing, he or she shall recuse himself or herself from consideration of the matter should it come before the Council.
- H. Voting shall be by ayes and nays, or the equivalent thereof as may be determined by Council.
- I. Except for an emergency ordinance, with respect to any ordinance that has not previously been considered in a Workshop, a single member of Council may cause the ordinance to be considered in a Workshop prior to its second reading for final passage.

Rule 3. ORGANIZATION

At the first Regular Session following certification of the election results in an election year or at the first Regular Session following his or her appointment to office, the Mayor shall appoint a Mayor Pro Tempore who shall assume all of the duties of the Mayor in the case of the Mayor's absence. Thereafter, any change in the Mayor's appointment of the Mayor Pro Tempore shall be made at a Regular Session of the Council.

Rule 4. MAYOR AND MAYOR PRO TEMPORE

- A. The Mayor shall take the chair promptly at the time the Council is to convene, call the Council to order, and upon ascertainment of a quorum, proceed with business.
- B. The Mayor shall possess the following powers and perform the following duties:
 - 1. The Mayor shall assist the City Clerk in preparing the Council Agenda prior to the delivery of packets.
 - 2. The Mayor shall preserve order and decorum and have direction of the Council Chambers, and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, shall have the power to order the same to be cleared and shall have the authority to appoint a police officer of the city or other person as a temporary Sergeant at Arms for the purpose of preserving order in and near the chambers.
 - 3. The Mayor shall decide all questions of order, subject to a Councilmember's right to appeal to the Council as a whole.
 - 4. The Mayor may speak to points of order in preference to the Council member raising the point of order, and shall rule on the point of order. In ruling on a point of order that is subject to reasonable debate, the Mayor shall err on the side of protecting the rights and privileges of members of the Council.

5. Subject to the veto power set forth in Section 2.6 of the City Charter, the Mayor shall sign all ordinances and resolutions passed by the Council, and the same shall be attested by the City Clerk.
- C. In the absence of the Mayor, or upon his/her inability to serve, or upon request of the Mayor, the Mayor Pro Tempore shall preside and shall have all of the powers and authority of the Mayor.
 - D. For brief periods during meetings, the Mayor may designate any Councilmember to preside in the temporary absence or inability to act of either the Mayor or Mayor Pro Tempore and such designation shall be conclusive upon the question as to the temporary absence or inability to act of either the Mayor or Mayor Pro Tempore.

Rule 5. ATTENDANCE

- A. If, at the convening of the meeting, the Mayor and Mayor Pro Tempore are absent, then the City Clerk shall call the meeting to order, and the first order of business thereafter shall be the election by all Council members present of a Councilmember who shall preside over the Council meeting during such time as the Mayor and Mayor Pro Tempore are absent and who shall have all authority of the Mayor with respect to the conduct of the meeting.
- B. If it is necessary for a Councilmember to be absent from a scheduled Regular Session or Workshop it is the responsibility of that Councilmember to notify the Mayor or the City Clerk prior to the convening time of the meeting.

Rule 6. ORDER OF BUSINESS

I. Regular Session Meetings:

The principal purpose of a Regular Session meeting is to consider and take formal action concerning matters that have come before the Council for formal action.

- A. The Council shall be called to order.
- B. Following the call to order, the roll shall be called and the names of those Council members present and absent recorded in the minutes.
- C. The Pledge of Allegiance will be recited.
- D. If a quorum is present, the Council shall then consider business in the following order:
 1. Approval of agenda
 2. Consent agenda, including approval of minutes
 3. Communications from the City Manager, staff and boards and commissions.
 4. Public comment (on non-agenda items)

5. Resolutions
 6. Ordinances – First Reading
 7. Ordinances – Second Reading (Public Testimony)
 8. General Business
 9. Public comment
 10. Mayor and Council comments
 11. Discussion of upcoming agendas
 12. Adjournment.
- E. The Mayor may, unless objection is raised by any Councilmember, proceed out of order to any order of business or return to an order not previously acted upon. In case of objection, the order may not be changed unless approved by a majority vote of the Council members present.
- F. Previous notice of motions or of matters desired for discussion at a future Council meeting shall be provided during that portion of each Regular Session that is set for the discussion of upcoming agendas. Best efforts shall be made in order that Council packets will be completed and delivered to the Mayor and Council members by 5:00 p.m. on the Tuesday immediately before the Council meeting. The City Manager, with the consent of the Mayor, shall be allowed to add items to upcoming agendas. If practicable, the City Manager’s agenda item request should be made during a Council meeting as part of the discussion of upcoming agendas. No item placed on an Agenda, or to be placed on an Agenda pursuant to the City Council Work Schedule, shall be removed without the Council’s approval.
- G. At any Regular Session, any Councilmember may, as a matter of personal privilege, speak for a period not longer than five minutes upon such matters as may collectively affect the Council, its rights, its dignity and the integrity of its proceedings, or the rights, reputation and conduct of its individual Council members in their respective official capacities only.

II. Workshop Meetings

The principal purpose of a Workshop meeting is to consider and discuss, but not take formal action concerning, matters that may come before the Council for formal action thereafter.

- A. The Council shall be called to order.
- B. Following the call to order, the roll shall be called and the names of those Council members present and absent recorded by the City Clerk or his or her designee.

- C. If a quorum is present, the Council shall then consider business in the following order:
1. Public comment
 2. General Business
 3. Mayor and Council comments
 4. Discussion of upcoming agendas
 5. Adjournment.
- D. The Mayor may, unless objection is raised by any Councilmember, proceed out of order to any order of business or return to an order not previously acted upon. In case of objection, the order may not be changed unless approved by a majority vote of the Council members present.
- E. Previous notice of motions or of matters desired for discussion at a future Council meeting shall be provided during that portion of each Workshop that is set for the discussion of upcoming agendas. Best efforts shall be made in order that Council packets will be completed and delivered to the Mayor and Council members by 5:00 p.m. on the Tuesday immediately before the Council meeting. The City Manager, with the consent of the Mayor, shall be allowed to add items to upcoming agendas. If practicable, the City Manager's agenda item request should be made during a Council meeting as part of the discussion of upcoming agendas. No item placed on an Agenda, or to be placed on an Agenda pursuant to the City Council Work Schedule, shall be removed without the Council's approval.
- F. No formal or official action shall occur at any Workshop meeting, including but not limited to the adoption of any proposed policy, position, resolution, rule or regulation. This rule shall not, however, prevent action by Council or the Mayor as to procedural questions that arise during a Workshop meeting that concern the conduct of the meeting.
- G. At any Workshop, any Councilmember may, as a matter of personal privilege, speak for a period not longer than five minutes upon such matters as may collectively affect the Council, its rights, its dignity and the integrity of its proceedings, or the rights, reputation and conduct of its individual Council members in their respective official capacities only.

III. Serial Workshop and Regular Session Meetings

In the event that the Council holds a Regular Session meeting and a Workshop meeting on the same day, and one such meeting is immediately followed by the other such meeting: (1) the call to order, roll call, and Pledge of Allegiance need only be conducted at the beginning of the first meeting held; and (2) the discussion of upcoming agendas need only be conducted at the end of the second meeting held. In the event that the Council, acting as the Local Licensing

Authority, holds a meeting of the Local Licensing Authority immediately before or immediately after a Regular Session meeting and/or a Workshop meeting, the Pledge of Allegiance need only be conducted at the beginning of the first meeting held.

Rule 7. AMENDMENT OF RULES AND GUIDELINES

These rules and guidelines, or any part thereof, may be amended, repealed, altered, suspended or rescinded by the affirmative vote of four Council members, which shall be done at a Regular Session of Council for any permanent amendment, repeal, alteration, suspension or rescission, and may be done at any meeting of the Council for any amendment, repeal, alteration, suspension or rescission made for purposes of that meeting only.

PROCEDURAL GUIDELINES

Guideline 1. MOTIONS

- A. No motion shall be debated until it has been seconded and submitted by the Mayor to the Council.
- B. Any motion may be withdrawn or modified by the movant, with the consent of the second at any time before amendment, decision or voting.
- C. The movant shall have first right to speak to said motion.
- F. The form of motion shall be substantially as follows:
 - 1. First reading of Ordinance: “I move that Ordinance No..., Series of..., (read title of ordinance), be passed on first reading and ordered published in full as required by law.”
 - 2. Final reading of Ordinance: “I move that Ordinance No..., Series of..., (read title of ordinance), be passed on final reading and ordered published as required by law.”
 - 3. Adoption of resolution: “I move that Resolution No.... be adopted.”
 - 4. To amend an ordinance: “I move to amend Ordinance No...”
 - 5. To override veto: “I move that Ordinance No..., Series of ..., be passed notwithstanding the veto of the Mayor.”

6. Suspension of Rules of Procedure: "I move that the Rules of Procedure and Procedural Guidelines be suspended in order to..."
7. Reconsideration: "I move that be reconsidered."

Guideline 2. QUESTIONS OF ORDER

Questions of order shall not be debatable except in the course of an appeal from the decision of the Mayor.

Guideline 3. APPEAL

- A. An appeal may be taken from any decision of the Mayor in which event the Councilmember appealing shall state his/her reason therefore, to which the Mayor may respond.
- B. A motion to appeal shall be debatable.
- C. Such appeals shall be acted upon immediately and no motion, other than a motion to adjourn, shall be entertained until the question: "Shall the decision of the Mayor be overruled?" is decided by the vote of all Council members present.
- D. The affirmative vote of a majority of the Council members present shall be necessary to overrule a decision of the Mayor.

Guideline 4. DEBATE

- A. No Councilmember shall speak debate, give a notice, make a motion, submit a report, or for any other purpose shall proceed until he/she has addressed the Mayor and has been recognized.
- B. When two or more Council members speak at once, the Mayor shall name the one who shall speak first.
- C. When a Councilmember is speaking, no other Councilmember or other person shall entertain any private discourse.
- D. No Councilmember shall be permitted to speak more than once on any subject until every Councilmember desiring to be heard has been allowed to speak.

Guideline 5. DECORUM

- A. No Councilmember shall walk across or out of the chambers while the Mayor is putting the question or other form of business to Council.
- B. No Councilmember shall engage in conversation or commit any other act tending to distract the attention of the Council from the business before it.
- C. Council members and other speakers, when speaking or debating before the Council, shall confine their remarks strictly to the question under discussion or debate, avoiding discussion directed to personal matters or issues.

Guideline 6. PROTEST

Any Councilmember has the right to protest any action of the Council, stating the reason therefore, and have the same entered in the minutes, provided such reasons do not impugn the motives or personal character of any Councilmember.

Guideline 7. AMENDMENT

Any ordinance or resolution shall be subject to amendment at any time before final passage.

Guideline 8. RECONSIDERATION

- A. Immediately after a question has been decided by the Council, any Councilmember recorded as having voted with the prevailing side may move to reconsider.
- B. Such Councilmember may move to reconsider at the same meeting, or at the next meeting date of Council; provided however, that no reconsideration of a vote on an ordinance shall be allowed if the ordinance has taken effect.

Guideline 9. TABLED OR POSTPONED ORDINANCES

- A. Any ordinance which has been tabled may be put upon the floor for consideration by a motion, properly seconded, and the affirmative vote of a majority of the Council members present.
- B. Any ordinance which has been postponed or tabled to a date certain shall be placed upon the agenda of that meeting.

Guideline 10. VETOED ORDINANCES AND RESOLUTIONS

- A. In the event of a veto by the Mayor, as allowed by law and exercised pursuant to Section 2.6, Article II of the City Charter, the veto message of the Mayor shall be read by the City Clerk.
- B. Consideration of the ordinance or resolution shall be as follows:
 - 1. A motion that the ordinance or resolution be passed notwithstanding the veto of the Mayor. The affirmative vote of at least five (5) members of Council shall be required for the adoption of such motion;
 - 2. A motion to refer the ordinance or resolution to the Council or a committee or commission for further study; or
 - 3. A motion to postpone consideration of the ordinance or resolution to a day certain.

Guideline 11. COURSE OF ORDINANCES AND RESOLUTIONS

The course of every ordinance and resolution shall be as follows:

- A. Any Councilmember may request that an ordinance or resolution be prepared; so long as the request is made at a Regular Session of the Council or a Workshop.

- B. A draft of the ordinance or resolution shall be presented to the Council.
- C. The ordinance or resolution, together with any changes that come from committee, shall be submitted to the City Attorney for legal review.
- D. The City Attorney shall review all ordinances or resolutions prior to being placed upon the agenda.
- E. Any ordinance may be read by title only, provided that a general summary of the ordinance is read, or that the title constitutes such a general summary, and at least one copy of the entire ordinance is available for the public unless otherwise specifically requested by a Councilmember to be read in full.

Guideline 12. PUBLIC HEARINGS

During a public hearing before the City Council:

- A. All persons desiring to speak before the Council shall register with the City Clerk.
- B. Before any speaker addresses Council, the Mayor may announce a time limitation and all registered speakers shall adhere to such limitations.
- C. The Mayor shall not permit any speaker to speak for longer than the time limitation except upon the affirmative vote of the majority of the Council members present.
- D. Notwithstanding the foregoing, any person may address Council as provided in the meeting agenda.

Guideline 13. CONFIDENTIALITY

- A. Each Councilmember shall respect the confidentiality appropriate for issues of a sensitive nature, such as personnel or legal matters. Any Councilmember who discusses a confidential matter publicly, or with a person who is not entitled to know about the matter, will be deemed to be derelict in his or her duties within the meaning of Section 3.6(1)(b) of the City Charter.
- B. A decision to breach confidentiality, or to waive a privilege such as the attorney-client privilege, shall only be made by the Council acting as a whole, whenever the confidentiality requirement or the privilege applies to the city as a whole or to the Council as a whole. Any Councilmember who individually breaches such confidentiality, or who purports to waive such a privilege, will be considered to be acting outside the performance of the Councilmember's authority.

Guideline 14. OTHER MATTERS

- A. At each Regular Session, all city officials and employees shall dress in attire appropriate to the dignity and decorum of the meeting.
- B. Any matter not covered by these rules or guidelines shall be governed by the decision of the Mayor based, to the extent practicable, upon Robert's Rules of Order, newly

revised, as may be amended from time to time, and subject to the right of appeal by any Councilmember as provided for in these rules and guidelines.