



Council Committee Memorandum

TO: Joint Council Committee
FROM: Tim Murray, City Administrator
MEETING DATE: January 15, 2019
SUBJECT: Review Council Rules and Procedures

Discussion:

The City Council last updated its Rules and Procedures document in 2018. Some form of this document has been in place since as far back as 1976, previously identified as "Rules of Council", and has been reviewed and amended a number of times over the years. The current version of the document (approved on January 15, 2018) is attached for review and discussion.

A copy of the document with two initial proposed revisions (shown thus: ~~stricken text~~ added text) resulting from previous circumstances is attached for review and comment. Following discussion on these and any other changes or additions identified, a final version will be prepared reflecting the revisions agreed upon, and taken to the next Council meeting for approval.

Attachments:

- City Council Rules and Procedures (DRAFT)
- Roberts Rules of Order "Cheat Sheet"

**City of Faribault
City Council Rules and Procedures**

Adopted January ~~23~~22, 201~~8~~9

Section 1. Purpose.

Subd. 1. General. It is recognized that in order to enhance the concept of effective and democratic government, it is essential that the City Council, as a legislative body, establish formal rules of procedure so that a true deliberative process is observed and not disturbed.

Section 2. General.

Subd. 1. Law. The City Charter, Ordinances and State Statutes governing the City Council shall be followed and supplemented by these Rules.

Subd. 2. General Rules. In all matters of parliamentary procedures, the Council shall be governed by the latest printed edition of Robert's Rules of Order (Newly Revised Edition) as published from time to time except as otherwise provided by Charter or by these Rules.

Section 3. Meetings.

Subd. 1. Organizational Meeting. The Council shall conduct an Annual Planning Session at its first meeting in January of each year or as soon as practical thereafter. Topics for this meeting include organizational issues; committee assignments; tentative meeting schedules; goals, objectives, and priorities; and other related matters.

Subd. 2. Regular Meetings. Regular meetings of the City Council shall be held on the second and fourth Tuesdays of each month at 6:00 p.m. at City Hall, unless otherwise specified by Council resolution. Meetings may be adjourned from time to time to a specified date. Notice for regular meetings shall be as required by law. If the Council decides to hold a meeting at a different time or place, it must give the notice required by law for a special meeting.

Subd. 3. Special Meetings. Special meetings are meetings of the City Council that are held at a time or location different from that of a regular meeting. The Mayor or any three members of the Council may call a special meeting of the City Council. Notice for special meetings shall be as required by law.

Subd. 4. Emergency Meetings. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the City Council, require

immediate consideration. Notice for emergency meetings shall be as required by law.

- Subd. 5. Council Committee Meetings. Any member of a Council Committee may call a Council Committee meeting upon such notice required by law. All meetings of Council Committees shall be open to the public except as otherwise permitted by law. Items to be studied by a Council Committee shall be limited to those items contained in the notice. Any Council member may request that an item of business be placed on a Council Committee meeting agenda. Council Committees must report to the City Council within 90 days after the item has been referred to the Committee. The Council shall then act on the item that was referred to the Committee to study.

Section 4. Presiding Officer.

- Subd. 1. Who Presides. The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Vice Mayor or temporary Presiding Officer of the Council shall preside. In the absence of both the Mayor and Vice Mayor, the Presiding Officer shall be the Council member present with the most seniority. The Presiding Officer shall have the right to vote on all matters, but shall have no veto power. Every Council member or member of the public shall respectfully address the Presiding Officer by his or her title followed by his or her last name, and shall not speak further until recognized by the Presiding Officer. The Presiding Officer shall have the power to preserve strict order and decorum at meetings, enforce these Rules and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order. The City Attorney shall act as parliamentarian.

- Subd. 2. Appeal of the Ruling of the Presiding Officer. Any member of the Council may appeal from a ruling of the Presiding Officer. If the appeal is seconded, the member may speak once solely on the question involved and the Presiding Officer may explain the ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority vote of the Council.

Section 5. Secretary of the Council.

- Subd. 1. Secretary of the Council. The Secretary of the Council shall be the Assistant to the City Administrator or his or her designee.

- Subd. 2. Journal. It shall be the duty of the Secretary to keep the journal of the proceedings of the Council and perform such duties as may be required by the Charter or the Council. The Secretary shall not allow the official journal of the City to be taken from his or her custody without the knowledge and consent of the Council. The Secretary will make a recording of Council

meetings for reference, but the approved minutes will be the official record of Council meetings.

- Subd. 3. Minutes. The Secretary shall prepare written copies of the minutes of the preceding meeting of the Council and place them in the agenda packet. The Council shall review the minutes at the meeting and may correct any mistake or omission. Once the minutes are approved by the Council, copies of the minutes must be made available to the public in the City Administrator's Office and placed on the City web site.

Section 6. Agenda; Meetings.

- Subd. 1. Matters for Consideration. Matters for Council action, other than those requested by Council and/or Staff, shall be submitted by members of the public to the City Administrator. Persons wishing to place an item of business upon the agenda shall advise the City Administrator of the particular item of business not later than noon of the Wednesday immediately preceding the date of the Council meeting.

- Subd. 2. Preparation. An agenda of business for each regular and special meeting shall be prepared in the Office of the City Administrator and copies thereof delivered to each Council member as far in advance of the meeting as time for preparation will permit. If possible, the regular meeting agendas shall be published in the official City newspaper, be posted on the City website, and broadcast on the cable TV public access channel just prior to the regular meeting so as to provide the public with timely and accurate notice of regular City Council meetings.

- Subd. 3. Notification of Absence. A Council member shall notify the City Administrator if he or she is going to be absent at the meeting as soon as practicable.

- Subd. 4. Order of Business at Regular Meetings. At the hour appointed for the regular meeting of the City Council, the meeting shall be called to order by the Presiding Officer. The roll of the members shall then be called by the Secretary by the appellation "Council member" and the last name of each Council member in alphabetical order, and the Presiding Officer shall be called last. A majority of the members of the Council shall constitute a quorum for the transaction of business. If a quorum is present, the City Council shall then proceed with its business in the following order:

- Item No. 1 - Call to Order/Roll Call/Pledge of Allegiance
- Item No. 2 - Presentations/Introductions
- Item No. 3 - Approval of the Minutes
- Item No. 4 - Consent Agenda
- Item No. 5 - Requests to Be Heard

- Item No. 6 - Public Hearings
- Item No. 7 - Items for Discussion
- Item No. 8 - Bids
- Item No. 9 - Board and Commission Reports, Announcements and Project Updates
- Item No. 10 - Adjournment

Subd. 5. Varying Order of Business. The order of business may be varied by the Presiding Officer.

Subd. 6. Consent Agenda. Matters for the Council of a routine or non-controversial nature which need minimal Council deliberation shall be placed on the agenda as Consent Agenda. Consent Agenda items are to be approved by the Council by one motion unless a Council member requests separate action. If a Council member requests that an item be considered separately, it shall be removed from the Consent Agenda items and placed upon the regular agenda for debate immediately following the Consent Agenda items.

Subd. 7. Items Not on the Agenda. The Council may consider items not appearing on the agenda as normal business if an objection is not raised by the Mayor or a Council member. If an objection is raised, a vote shall be taken by the Council to determine the appropriateness of further consideration of the matter at that time.

Subd. 8. Public Participation. Members of the public may address the City Council during:

- a. Public Hearings.
- b. Requests to be Heard. This portion of the meeting shall be limited to 15 minutes and individuals shall be requested to limit their comments to three minutes or less. If a majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue may be continued. In order to address the Council during the Requests to be Heard portion of the meeting, an individual must sign up on the sign up sheet located in the Council chambers before the beginning of the meeting. The City Council will not take immediate action on matters brought up by individuals during Requests to be Heard. If action is requested by the individual, the Council may refer the matter to City staff or a Council committee, or place the matter on the agenda of a future Council meeting.

Subd. 9. Written Communications on all Matters. All interested parties or their authorized representatives may address the Council by written communication regarding all matters under the Council's consideration.

The City Administrator shall copy these communications to the Council and forward said communications with the Council meeting packet if possible. If written communications are received after the meeting packets are delivered to the Council, such communications shall be handed out at the meeting.

Section 7. Voting.

Subd. 1. Procedure. Items on the agenda may be debated prior to the submission of an ordinary motion. The withdrawal of either the motion or the second to a motion shall terminate debate on the motion. The Presiding Officer shall restate any motion if requested to do so by a member of the Council. The votes of the members of the council on any ordinance shall be by roll call vote. The votes of the members on any resolution or motion shall be by voice vote, unless the Presiding Officer or any member of the Council requests that a roll call vote be taken. The Presiding Officer shall call for a roll call vote whenever a voice vote of the Council is not clear as to the disposition of the action before the Council.

Subd. 2. Voting; Excuse; Failure. Every Council member present at the meeting must vote, unless the Council, for special reasons, has excused a Council member from voting prior to the calling of the roll or the Council member has a conflict of interest. Any Council member, who being present when his or her name is called fails or refuses to vote upon any then pending proposition, unless previously excused by the Council, shall be counted as having voted in the negative.

Subd. 3. Voting Order for Roll Call. The Secretary shall call for the vote in alphabetical order of last name. The Presiding Officer shall always vote last.

Section 8. Rules of Decorum.

Subd. 1. Council. While the Council is in session, Council members must preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Presiding Officer.

Subd. 2. Staff. Members of City staff shall observe the same rules of order and decorum that are applicable to the City Council.

Subd. 3. Recognition. No member of the Council, City staff person or member of the public shall address the Council without being recognized by the Presiding Officer.

- Subd. 4. Pertinent to Matter Under Debate. Members of the Council, staff and the public shall confine remarks to the matter under debate.
- Subd. 5. Addressing the Council. Each member of the public addressing the Council shall step up to a microphone provided for the use of the public after being recognized by the Presiding Officer and give his or her name and address in an audible tone of voice for the record, state the subject to be discussed and state who he or she is representing if representing an organization or other person. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without permission of the Presiding Officer. No question may be asked of a Council member or a member of City staff without the permission of the Presiding Officer.
- Subd. 6. Spokesperson for a Group of Persons. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject, it shall be proper for the Presiding Officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Council.
- Subd. 7. After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by a majority vote of the City Council.
- Subd. 8. Conduct. Any member of the Council, City staff or person indulging in personalities or making impertinent, slanderous or profane remarks or who willfully utters loud, threatening or abusive language, or engages in any disorderly conduct which would impede, disrupt or disturb the orderly conduct of any meeting, hearing or other proceeding, shall be called to order by the Presiding Officer and, if such conduct continues, may at the discretion of the Presiding Officer, be ordered removed.
- Subd. 9. Members of the Audience. No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling and similar demonstrations, which conduct disturbs the peace and good order of the meeting.

Section 9. Enforcement of Decorum.

- Subd. 1. Warning. All persons shall, at the request of the Presiding Officer, be silent. If, after receiving a warning from the Presiding Officer, a person persists in disturbing the meeting, said officer may order this person removed from the meeting. If this person does not leave willingly, the Presiding Officer may call a recess and order that person be removed by the Sergeant-at-Arms.
- Subd. 2. Sergeant-at-Arms. The Chief of Police, or such member or members of the Police Department, shall be Sergeant-at-Arms of the Council meetings. The Chief or other Police Department representative shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the Council.
- Subd. 3. Motions to Enforce. Any Council member may move to require the Presiding Officer to enforce these rules and the affirmative vote of a majority of the Council shall require the Presiding Officer to do so.
- Subd. 4. Suspension or Amendment of Rules. These Rules shall not be suspended, altered, or rescinded except upon the affirmative vote of a majority of the members of the Council.
- Subd. 5. Special Adjournment. In the event that any meeting is willfully disturbed by a group of persons so as to render the orderly conduct of such meeting unfeasible and when order cannot be restored by the removal of individuals who are creating the disturbance, the meeting may be adjourned with the remaining business considered at the next regular meeting.
- Subd. 6. Special Meetings. If the matter being addressed prior to adjournment is of such a nature as to demand immediate attention, the Presiding Officer may adjourn the meeting to another date.

Section 10. Cameras and Recording Devices.

- Subd. 1. Use of Cameras and Recording Devices. Cameras, including television and motion picture cameras, electronic sound recording devices and any other mechanical, electrical or electronic recording device may be used in the Council chamber, but only in such a manner as will cause a minimum of interference with or disturbance of the proceedings of the Council.

Section 11. Severability.

Subd. 1. General. If any section, subsection, sentence, clause, phrase, or portion of these Rules is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

THESE RULES WILL TAKE EFFECT and be in force from and after their adoption by the Council and any and all prior rules are hereby rescinded.

ROBERTS RULES OF ORDER

"CHEAT SHEET"

<i>TO DO THIS: (1)</i>	<i>YOU SAY THIS:</i>	<i>MAY YOU INTERRUPT SPEAKER?</i>	<i>MUST YOU BE SECONDED?</i>	<i>IS THE MOTION DEBATABLE?</i>	<i>IS THE MOTION AMENDABLE?</i>	<i>WHAT VOTE IS REQUIRED?</i>
Adjourn the meeting	"I move we adjourn"	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote required
Recess the meeting	"I move that we recess until..."	May not interrupt speaker	Must be seconded	Not debatable	Amendable	Majority vote required
Complain about noise, room temp., etc.	"Point of privilege"	May interrupt speaker	No second needed	Not debatable (2)	Not amendable	No vote required (3)
Suspend further consideration of something	"I move we table it"	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote required
End debate	"I move the previous question"	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Two-thirds vote required
Postpone consideration of something	"I move we postpone this matter until..."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote required
Have something studied further	"I move we refer this matter to a committee/attny"	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote required
Amend a motion	"I move that this motion be amended by..."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote required
Introduce business (a primary motion)	"I move that..."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote required

- (1) The motions or points above **are listed** in established order of precedence. When one of them is pending, you may not introduce another that's listed below it, but you may introduce another that's listed above it.
- (2) In this case, any resulting motion is debatable.
- (3) Chair decides.

<i>TO DO THIS: (1)</i>	<i>YOU SAY THIS:</i>	<i>MAY YOU INTERRUPT SPEAKER?</i>	<i>MUST YOU BE SECONDED?</i>	<i>IS THE MOTION DEBATABLE?</i>	<i>IS THE MOTION AMENDABLE?</i>	<i>WHAT VOTE IS REQUIRED?</i>
Object to a procedure or to a personal affront	"Point of order"	May interrupt speaker	No second needed	Not debatable	Not amendable	No vote required, chair decides
Request information	"Point of information"	If urgent may interrupt speaker	No second needed	Not debatable	Not amendable	No vote required
As for a vote by actual count to verify a voice vote	"I call for a division of the house"	May not interrupt speaker (2)	No second needed	Not debatable	Not amendable	No vote required unless someone objects (3)
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	May interrupt speaker	No second needed	Not debatable	Not amendable	Two thirds vote required
Take up matter previously tabled	"I move we take from the table"	May interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority required
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	May interrupt speaker	Must be seconded	Debatable if original motion is debatable	Not amendable	Majority required
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	May interrupt speaker	Must be seconded	Not debatable	Not amendable	Two thirds vote required
Vote on a ruling by the chair	"I appeal the chairs decision"	May not interrupt speaker	Must be seconded	Debatable	Not amendable	Majority required

- (1) The motions or points above **have no** established order of precedence. Any may be introduced at any time, except when the meeting is considering one of the top 3 matters listed in the chart on page 1 (adjourn, recess, point of privilege).
- (2) But division must be called before another motion is started.
- (3) Then majority vote is required.