

LEGISLATIVE RULES

I. Rules of Order and Business Adopted; Purpose

- a. These rules shall govern all meetings and proceedings of the City Council, Boards, Commissions, and Committees and the order of business, and the conduct of the President of Council (commonly referred to as “Mayor”), City Council and Board and Commission members and persons in attendance at such meetings.
- b. All City Commissions, Boards, and Committees shall adhere to these rules and procedures to the extent that these rules and procedures are not inconsistent with the public business to be conducted by such bodies. Where applicable throughout this document, references to City Council will be interchangeable with Boards, Commissions, and Committees, and references to Mayor or Mayor Pro tem will be interchangeable with Chair, Vice Chair or other Presiding Officer of any Board, Commission or Committee.
- c. These rules are simple. Strict technical rules may impede rather than advance the legislative process. Reason, common sense, and cooperation must prevail in the conduct of City business. Dissent and debate are essential and beneficial elements of our system of free and open government. No action of the City shall be deemed invalid because of failure to follow any rule of order or business provided herein.
- d. The Council may hold joint meetings with Boards, Commissions, or Committees in addition to other meetings.

II. Council Meetings

- a. Regular Meetings. The City Council shall conduct regular meetings generally on the first and third Tuesdays of each month. All regular meetings shall begin promptly at 7:00 p.m. Meetings shall be held at the City Hall unless otherwise posted in accordance with state law. The time, date, and location of any meeting can be changed by majority vote of Council and posted in accordance with state law.
- b. Special Meetings. Special meetings shall be called by the Mayor at the request of a majority of Council. Notice of special meetings of Council shall be given to the members not less than 32 hours before the time fixed for the meeting.
- c. Emergency Meetings. In the event an emergency has been declared by the City Manager, notice of emergency meetings shall be given by the most expedient mechanism available in such event; emergency meetings may be called by the Mayor

or the City Manager. Notice of the date, time, and place of any emergency meeting shall be given to the Council members and the public not less than one hour prior to the time fixed for the meeting.

- d. Study Sessions. The City Council may conduct study sessions generally on the second and fourth Tuesday of each month. The City Council may hold study sessions on such dates and at such times as called by City Council or the City Manager. Such study sessions may coincide with regular or special meetings of City Council. The purpose of the study session is to discuss and study items, but no formal action shall be taken in a study session and study sessions shall not be a forum for public hearings.
- e. Notice of cancelling a meeting of City Council shall be posted and given to the members not less than 24 hours before the time fixed for the meeting.
- f. Agenda. The agenda for meetings of City Council shall be prepared by the Manager and posted by the City Clerk in the manner required by law.
- g. Order of Agenda. The agenda may be organized as follows: call to order, Pledge of Allegiance, roll call, proclamations and announcements, reports, public comments, consent agenda, old business, new business, and adjournment.
- h. Adoption of Agenda. At the first item of business at each meeting, Council will adopt the agenda as published or as revised by a majority vote.
- i. Review and Approval of minutes. At each regular meeting of the City Council, the draft minutes of the preceding meetings shall be reviewed, amended if appropriate, and approved.

III. Council Proceedings

- a. Roll Call. The Mayor shall call the meeting to order and the city clerk shall call roll. In the absence of a quorum at the time appointed for a meeting, the members present may, by a majority vote, take a recess or recesses, and direct the City Clerk to procure the attendance of absent members.
- b. Temporary Chair. In case of the absence of the Mayor and Mayor Pro Tem, the City Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, the Council shall proceed to elect, by a majority vote of those present, a chair of the meeting, to act until the Mayor or other presiding officer or Mayor Pro Tem of the Council appears.
- c. Decorum. During the meeting, the Mayor shall preserve order and decorum and decide all questions of order, decide who is allowed to speak, and in what order, be it either a council member or a member of the audience.

Appeals from decisions of the chair. The Mayor shall preserve decorum and decide all questions of order, subject to appeal to Council. In case of an appeal by a Council

member of a ruling of the Mayor, the question shall be: “Shall the decision of the Mayor stand as the decision of the Council?” The Council shall vote either to affirm or reverse the decision of the Mayor. If a member transgresses the rules of Council, the Mayor shall call him or her to order.

IV. Parliamentary Rules

As a guiding principle, the following rules of procedure will be observed at regular and special meetings.

- a. Addressing Presiding Officer. Every member speaking to a question or making a motion shall address the presiding officer, who shall thereupon state the name of the member to the question under debate.
- b. Debate – limitation. No member shall be allowed to speak more than once to a motion.
- c. Questions to Contain One Subject. All questions (motions) submitted for a vote shall contain only one subject. If a question contains two or more subjects and the question reasonably permits a division, then any member may require a division.
- d. Discussion. Discussion on an agenda item may be held prior to a motion.
- e. Main Motion. A subject is introduced by a main motion. Once seconded, no other topics should be taken up until after the motion is disposed of.
- f. Motion to Amend. This motion is used when the intention is to change, add, or omit some part of a main motion. This motion is debatable and requires a majority vote of the members present for passage. A motion to amend is not amendable. First a vote is held on the motion to amend. If that vote is affirmative, the second vote is held on the main motion as amended. Only one amendment to a motion may be on the floor at any one particular time. Any motion to amend shall consist of but one amendment. An amendment once rejected may not be moved again in the same form.
- g. Motion to Table or Postpone to a Time Certain. This motion requires that consideration of the main motion be delayed until a certain, stated time for, among other reasons, obtaining more information. A future date certain shall be set when the subject is considered. This motion is debatable and requires a majority vote of the members present for passage.
- h. Motion to Table Indefinitely. This motion postpones consideration of the main motion in such a way that the issue being discussed may be taken up at an unspecified, later date when a majority of the members present vote to “call it from the table.” This motion is not debatable and requires a majority vote of the members present for passage.
- i. Motion to Call the Question. This motion is made to end discussion that has become lengthy or repetitious. When the motion is seconded, the Mayor immediately calls the

vote on the question of closing the discussion. This motion is not debatable and requires a 2/3 vote of the members present for passage.

- j. Motion to Reconsider. The Council may reconsider a vote during the same meeting on the motion by a member who voted on the prevailing (winning) side of the issue. If that vote is affirmative, a second vote is held on the issue to be reconsidered. A motion to reconsider a proposal that has been acted upon must be made prior to adjournment of the meeting or no later than the next regular or special meeting. A majority vote, of members present, of the Council, Board or Commission shall be sufficient for reconsideration of a vote.
- k. Vote. The Mayor shall call for a vote by requesting the ayes in favor of the motion and nays opposed to the motion be reflected on the vote board.
- l. The Mayor or any other member may request a show of hands at any time. No member may vote by proxy.
- m. Point of Order, Questions, and Inquiries. A point of order may be raised at any time and supersedes any issue being discussed at the time. The Mayor shall rule on the point of order before proceeding. If a member disagrees with the ruling by the Mayor, such member may appeal such ruling by stating “Shall the decision of the Mayor be sustained?” A majority vote in the negative is required to overturn the Mayor’s ruling. The appeal is debatable and the Mayor may participate in the debate without giving up the chair.
- n. Whenever necessary, advice may be asked as to correct procedures or facts may be requested. The Mayor shall respond to the question or refer it to the proper person.
- o. Motions to be Stated by Chair – withdrawals. When a motion is made and seconded, it shall be stated by the Chair before debate. A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of a majority of Council.
- p. Motion to Adjourn or Recess – when not in order – not debatable. A motion to adjourn or recess shall be in order at any time, except as follows:
 - 1. When repeated without intervening business or discussion;
 - 2. When made as an interruption of a member while speaking;
 - 3. When the previous questions have been ordered;
 - 4. While a vote is being taken.
- q. Division of a Question. On demand of any member, a question under consideration covering two or more points shall be divided where the question admits such division.
- r. Motion to Adjourn. At the conclusion of business, the Mayor may declare the meeting adjourned without waiting for a motion or a member may move to adjourn. A motion to adjourn by a member is not debatable and a majority vote of the members present is

required for passage. When the meeting is adjourned, the meeting is immediately halted.

- s. Suspension. Unless otherwise provided by Charter or ordinance, any rule except such as required by a two-thirds (2/3) vote may be suspended by the vote of a majority of the members of Council without debate. A rule requiring a 2/3 vote may be suspended upon a vote of 2/3 of the members of the Council.
- t. Committees/Liaisons. The Mayor shall appoint Board and Commission liaisons and the chair of any special Committee and such appointments shall be ratified by Council. The Mayor may appoint special committees of Council members or citizens, which shall be ratified by Council, to assist in the study of items before the Council and the committee so appointed shall serve until the matter is disposed of by the Council.
- u. Election of Mayor. The Mayor and Mayor Pro Tem shall be elected by Council. In the event there is a need for a nomination process, nominations will be accepted by the City Clerk and each council member will cast a vote for their selected candidates.
- v. “Robert’s Rules of Order Newly Revised” may be considered persuasive authority in deciding any questions arising on points of order not covered by these rules.

V. Legislative Versus Quasi-Judicial Hearings

Legislative versus quasi-judicial hearings. In local government, two common kinds of decision-making are often referred to as “legislative” and “quasi-judicial.”

- a. Legislative. Council may conduct a public hearing on first reading and shall conduct a public hearing on second reading of any ordinance. Ordinances will be read by title and council will hear comments from staff, if any, open the public hearing for comments, close the public hearing, and conduct Council discussion, if any, before rendering a decision. A council member may ask questions of a person at any time during the hearing. The Council may postpone or continue a public hearing to a later date by announcing at the public hearing the specific date, time, and place of the continuance.
- b. Quasi-judicial. Procedural due process is critical in quasi-judicial hearings. This includes the right of all directly impacted parties to participate in a pre-decision hearing, their right to present evidence, to see all the evidence that will be considered by the decision-making body, and their right to confront adverse evidence.

The hallmark distinctions between a member’s role as legislator v. quasi-judicial hearing officer are as follows:

Legislator	Quasi-Judicial Hearing Officer
Make new rules or laws reflecting public policy relating to matters of a permanent or general character	Apply existing rules to a case involving particular individuals and facts
<p>Political and social views of the decision-maker are validly discussed and considered</p> <p>Validly discuss the issue and consider their political and social issues</p>	Are expected to apply the rules fairly whether or not they agree with them, and must keep open minds until they hear the evidence
<p>Lobbying and personal investigation by decision-maker are proper</p> <p>May lobby and investigate before making decisions</p>	Must decide the case based upon the evidence presented at the hearing and not based upon outside sources. They must disclose any outside information they have about the case and excuse themselves from the case if they will be personally affected by its outcome or if they cannot be impartial.
Legislation is not subject to appeal under Rule 106; limited legal remedies such as authority or constitutionality	Legislation is subject to appeal under Rule 106

VI. Changes/Additions

Changes and additions to these rules and procedures may be made at any regular or special meeting of the City Council for which the proposed changes have been publicly posted at the same time the agenda for the meeting is posted by an affirmative vote of at least four members of the entire council. Changes and/or additions shall be effective at the next regular or special meeting.