

RAMSEY COUNTY CHARTER COMMISSION

Agenda of Monday, May 2, 2022 – 7 PM

Plato Conference Center
90 Plato Blvd West, Saint Paul, MN 55107

Meeting location and materials are also available at <https://www.ramseycounty.us/your-government/leadership/charter-commission/charter-commission-agendas-and-minutes>.

AGENDA

1. Call to Order
2. Roll Call Attendance
3. Approval of May 5, 2022 Agenda
4. Approval of February 7, 2022 Minutes (Attachment)
5. Old Business
 - A. [Community Economic Development Board Workshop](#)
 - B. Compensation for Commission Members Update
6. New Business
 - A. Bylaw Process Review (Attachments)
 - i. Charter Commission Member Attendance Records (Attachment)
7. Committee Reports
 - A. Budget
 - B. Charter Review
8. Citizen Input (Approximately 8:30 PM)
9. Future Agenda Items
 - A. Ramsey County Intergovernmental Affairs
 - B. Ramsey County Board of Commissioners Visit
 - C. Ramsey County Budget Presentation
10. Adjournment

Next Meeting: Monday, August 1, 2022 – 7 PM

Location information will be posted three days prior to each meeting date.

Attachments:

- February 7, 2022 Meeting Minutes Draft
- [Community Economic Development Board Workshop](#)
- Charter Commission Member Attendance Records
- Charter Commission Bylaws
 - City of Bloomington Council Rules of Procedure

- City of Dilworth Bylaws
- City of Hastings Bylaws
- City of Mounds View Bylaws
- City of Rochester Rules of Procedure
- City of Roseville Rosenberg's Rules of Order
- City of Shoreview Council Rules of Procedure

DRAFT

RAMSEY COUNTY CHARTER COMMISSION

Minutes of Monday, February 7, 2022 – 7 PM

Pursuant to Minnesota Statutes § § 13D.021, subd. 1, the Charter Commission Chair has determined that due to the ongoing health pandemic, particularly because of the delta variant, an in-person meeting is not practical or prudent. Charter Commission Committee members will participate online via Zoom by telephone or other electronic means. Also, because of the ongoing health pandemic, it is unfeasible for at least one Charter Commission member, chief legal counsel, or County Manager staff to be physically present in the regular meeting room. Public participation is available online via Zoom with live access to the meeting at <https://www.ramseycounty.us/your-government/leadership/charter-commission/charter-commission-agendas-and-minutes>.

MINUTES

1. Call to Order: Chair Nancy Haas called the meeting to order at 7:00 PM.

Due to the ongoing health pandemic, as Chair of the Charter Commission, I have determined that an in-person meeting is not practical or prudent. In compliance with Minnesota Statutes Section 13D.021, subdivision 1, we state for the record that all members of the Charter Commission are able to hear one another and all discussion and testimony, as can members of the public. Also, because of the ongoing health pandemic, it is unfeasible for at least one Charter Commission member, chief legal counsel, or County staff to be physically present in the regular meeting room. All votes by Charter Commission members will be conducted by roll call.

2. Roll Call Attendance: Completed by Sia Xiong.

District	Charter Commission Member	Present	Absent
1	Ann Maslansky-Takahashi	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1	Steven Reeves	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Ache Wakai	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Joann Knuth	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Nancy Haas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Sallee Brandt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Bethany Winkels	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Sharon Garth	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Joshua (Josh) Ortiz “Or-teez”	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Sebastian Ellefson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Hoang “H-wong” Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Tony Parrish, Sr.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	John O’Phelan “Pha-len”	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	William (Bill) Kempe	<input type="checkbox"/>	<input checked="" type="checkbox"/>
At Large	Angela (Angie) Thies “Tees”	<input type="checkbox"/>	<input checked="" type="checkbox"/>
At Large	Jazmin Glaser-Kelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At Large	Susan (Sue) Majerus	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Also present: Amy Schmidt, Assistant County Attorney, Ramsey County Attorney’s Office
Mee Cheng, Director of Administrative Services and Chief Clerk
Sia Xiong, County Manager’s Office Admin.

3. Approval of February 7, 2022 Agenda: Motion by Sebastian Ellefson and second by Sharon Garth. Unanimously approved by roll call of all members present.
4. Approval of October 18, 2021 Minutes (Attachment): Motion by Sebastian Ellefson and second by Hoang Murphy. Unanimously approved by roll call of all members present.
5. Old Business: None
6. New Business:
 - A. Welcome Chair and Vice Chair: Chair Nancy Haas welcomed everyone to the first meeting.
 - B. New Commission Member Introduction: Chair Nancy Haas welcomed the two new members, Sallee Brandt and Jazmin Glaser-Kelly, and allowed them to introduce themselves and why they joined.
 - C. Entire Commission Member Introduction: Chair Nancy Haas then called each member to introduce themselves to the new members. Ramsey County staff were also given an opportunity to introduce themselves. Chair Nancy Haas encouraged members to think about the opportunity to be Chair and Vice Chair next year.
 - D. Charter Commission Onboarding Binder (Attachment): Chair Nancy Haas briefly went over the onboarding binder, emphasizing the Robert's Rules cheat sheet and the Home Rule Charter.
 - E. 2022 Charter Commission Workplan Adoption (Attachment): Motion by Hoang Murphy and second by Sebastian Ellefson. Unanimously approved by roll call of all members present.
7. Committee Reports:
 - A. Budget (Attachments): The budget letter and response from the County Manager was shared. Appreciation from the members were expressed to the committee.
 - B. Charter Review: Shared updates on upcoming dates and meetings for the Charter Review. Members were encouraged to join. Chapters are being reviewed in sections.
 - C. Bylaws: Chair Nancy Haas offered that although we do not have a chair for this committee, it would be important to have it as an active committee. Hoang Murphy expressed his interest in being on the committee but will not have capacity to chair. Assistant County Attorney Amy Schmidt clarified that the Home Rule Charter is 30 pages and the Bylaws are 2 pages.
8. Citizen Input (Approximately 8:30 PM): No residents were present.
9. Future Agenda Items: Discussion around member attendance, and Ann Maslanksy-Takahashi offered to connect with members who have not been able to attend through phone call in addition to just an email communication. A template can be developed on what to cover to ensure it complies with the Open Meeting Law – Chair Nancy Haas and Vice Chair Angie Thies will follow-up.

Hoang Murphy suggested reviewing current city or county bylaws and comparing ours to it before amendments are made or suggested. John O'Phelan was also interested in having guest staff who presented in previous years attend again. There was discussion around compensation for charter members and if it is available. Rent control topic was also brought up briefly and there was a suggestion to have someone from the county attend to talk about affordable rental units and how it will impact or translate into other cities. Ann Maslansky-Takahashi mentioned Arden Hills, and Assistant County Attorney Amy Schmidt clarified that there is no active development at this time.

Legislative session and what they are advocating for and what they are in opposition to. A recap by the next meeting would be interesting and what they anticipate for the Spring. Sue Majerus is also interested in hearing from legislation and what was accomplished.

10. Adjournment: The meeting was adjourned at 8:29 PM.

Next Meeting: Monday, May 2, 2022 – 7 PM

Location information will be posted 3 days prior to each meeting date.

Respectfully submitted by Sia Xiong, County Manager's Office Admin.

Charter Commission Member Attendance Records (2020 – Present)

This is the attendance record for current Ramsey County Charter Commission members as of April 29, 2022. Excused absences are not identified in this table.

☑	Attended part of or all of the meeting
-	Did not attend the meeting
	Not applicable (was not a member)

District	Member	2020				2021					2022	Total	%
		Feb 03	Aug 03	Sep 14	Oct 23	Jan 19	Feb 01	May 03	Aug 02	Oct 18	Feb 07		
1	Ann Maslansky-Takahashi					☑	☑	☑	☑	☑	☑	6 / 6	100%
1	Steven Reeves	-	-	☑	☑	-	-	-	-	-	-	2 / 10	20%
2	Ache Wakai	☑	☑	-	-	-	-	☑	-	-	-	3 / 10	30%
2	Joann Knuth					☑	☑	☑	-	☑	-	4 / 6	67%
3	Nancy Haas	-	☑	☑	☑	☑	☑	☑	☑	☑	☑	9 / 10	90%
3	Sallee Brandt										☑	1 / 1	100%
4	Bethany Winkels	☑	☑	☑	☑	☑	-	☑	-	☑	-	7 / 10	70%
4	Sharon Garth	-	☑	☑	☑	☑	☑	☑	-	☑	☑	8 / 10	80%
5	Josh Ortiz		☑	☑	☑	-	☑	-	-	-	-	4 / 9	44%
5	Sebastian Ellefson						☑	☑	-	☑	☑	4 / 5	80%
6	Tony Parrish Sr.	☑	-	☑	-	-	-	-	-	-	-	2 / 10	20%
6	Hoang Murphy					☑	☑	☑	-	☑	☑	5 / 6	83%
7	John O'Phelan	☑	☑	☑	☑	☑	-	☑	☑	-	☑	8 / 10	80%
7	Bill Kempe	-	☑	☑	☑	-	-	-	-	☑	-	4 / 10	40%
At-Large	Angie Thies	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	10 / 10	100%
At-Large	Jazmin Glaser-Kelly										☑	1 / 1	100%
At-Large	Susan Majerus	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	10 / 10	100%

RAMSEY COUNTY CHARTER COMMISSION BYLAWS

Commission Members

The members of the Commission shall consist of two (2) persons from each of the seven (7) Ramsey County Commissioner Districts and three (3) persons at-large for the entire County. Each member shall be appointed by the Chief Judge of the Ramsey County District Court for a term of four (4) years and may serve no more than two (2) consecutive terms. The Chief Judge shall also appoint an individual to complete an unexpired term.

A majority of the Commission members may remove a member from the Commission if the member has three (3) or more consecutive unexcused absences from regularly scheduled Commission meetings. A member may also resign prior to the expiration of the member's term.

Officers

The officers of the Commission shall consist of a Chair and a Vice-Chair. Officers shall be elected during the last meeting of each calendar year and shall serve at the pleasure of the Commission for a term of one year beginning at the first of the calendar year. A nominating committee shall be appointed before the last meeting of each calendar year that will nominate at least one individual for each office. Further nominations may be made by the Commission prior to each annual election.

The Chair shall preside at all meetings. The Vice-Chair shall preside in the absence of the Chair and during any temporary absence of that officer. A Secretary, if elected, shall maintain a record of each meeting.

Order of Business

The order of business shall be as follows:

1. Call to Order
2. Approval of the Minutes
3. Reports of Standing Committees
4. Unfinished Business
5. New Business
6. Set Next Meeting
7. Citizen Comments
8. Adjournment

Procedure

Robert's Rules of Order, duly revised, will govern, except as provided in the Bylaws. All motions will require a second.

Quorum

A quorum of the Commission members shall consist of nine (9) members, but a quorum is not necessary to hold a meeting. Except on substantive issues and amendments to the Charter, a majority of members present will be adequate to take action on an item.

In the case of substantive issues, including items such as changes in the Bylaws and amendments to the Charter, a majority of all of the members of the Commission will be required.

Whether an issue is substantive, or not, will be determined by the Chair or by a majority of the members present.

Standing Committees

The Chair may create Standing Committees to address specific issues, as required.

Conflicts of Interest

When a member believes that he or she has a conflict of interest in voting on a particular issue, he or she may refrain from voting and/or disclose the potential conflict to the Chair. If the Chair agrees that the potential conflict of interest is substantial or would give the appearance of impropriety, the member shall abstain from voting on the issue. If the Chair does not believe that abstention is required, the member may choose to vote or abstain.

Meetings

Regular meetings of the Commission shall be set by the Commission members or Chair. Meetings will be held both in the city of St. Paul and its suburbs.

Special meetings of the Commission may be held at the call of the Chair or any five (5) or more members of the Commission.

Notice

At least three (3) days notice, excluding Saturdays, Sundays and holidays, of each regular or special meeting of the Commission shall be mailed to the address of each member of the Commission last known.

Staff

Staff to the Commission will be provided by the County Manager's Office. The County Attorney's Office will provide legal counsel to the Commission.

An Administrative Secretary from the County staff shall keep the records of the Commission and shall transmit all notices and messages from or on behalf of the Commission.

Minutes prepared by the Administrative Secretary County are official minutes of the meeting until and unless a Commission member is elected as Secretary at a future date.

COUNCIL RULES OF PROCEDURE

CITY OF BLOOMINGTON
HENNEPIN COUNTY
MINNESOTA

Revised: July 18, 2005; December 21, 2009; July 12, 2010; January 2, 2020; December 21,
2020; April 5, 2021

PREAMBLE^a

The purpose of these Rules of Procedure (“Rules”) is to provide guidelines for the orderly and efficient conduct of the public business by, among, and on behalf of the City Council of the City of Bloomington. The Council believes there is a benefit to adopting a set of common sense guidelines and incorporating *Robert’s Rules of Order* by reference for those unique or complex situations that can arise. By stating clear rules, the public is better able to prepare, to understand Council actions, and to participate in a Council meeting.

Although the majority will decide, the minority has rights that are also respected. Council members desire information from staff and the public in order to make their decisions. Courtesy and respect are necessary for an orderly and efficient discussion where all members have equal rights to be heard. Making the public feel welcome is an important part of the democratic process. A sample handout for the public on Council meeting procedures and guidelines is provided in Appendix A. This Appendix may be amended by the City Manager as needed to clarify these Rules or related matters without the Council’s formal approval.

SECTION 1. Meetings of the Council.^b

(a) **Time.** The Council holds its regular meetings on Mondays of each month at 6:00 P.M.

(b) **Place.** Unless another place is designated in advance by the Council, all regular meetings of the Council for the purpose of taking official action must be held in the Council Chambers at Civic Plaza and electronically, and must be open to the public and to the media, except as otherwise permitted or required by law.

(c) **Schedule.** The Council must adopt a schedule of its regular meetings by resolution.

(d) **Adjournment.** Each regular meeting must adjourn at or before 11:00 p.m. unless a vote to extend the meeting is adopted by a majority of those members of the Council present at that meeting.

(e) **Public Notice and Attendance.** The City Clerk must maintain a schedule of regular meetings of the Council that must be available for public inspection during regular business hours. All meetings of the Council must be open to the public in accordance with the Open Meeting Law, Minnesota Statutes Chapter 13D.

(f) **Special Meetings.** The City Manager, the Mayor, or any three members of the Council may call a special meeting of the Council upon notice to each member of the Council and notice must be posted at Civic Plaza in accordance with the Open Meeting Law, Minnesota Statutes Chapter 13D. Such notice must be delivered to each Council member and may be delivered electronically.

(g) **Meetings with the City Manager.** Members of the Council may individually meet informally with the City Manager.

(h) **Council Voting.** The aye and no vote of each member of the Council on ordinances, resolutions, and motions must be recorded in the minutes unless the vote is

^a Preamble established by resolution adopted April 5, 2021.

^b Section 1 amended by resolution adopted January 12, 1981; by resolution adopted July 6, 1981; by resolution adopted December 21, 2009; by resolution adopted December 21, 2020; by resolution adopted April 5, 2021.

unanimous.

(i) **Tie Vote.** When there is a tie vote on a motion, the motion is lost.

(j) **Emergency Meetings.** The City Manager, the Mayor, or any three members of the Council may call an emergency meeting of the Council upon reasonable notice to each member of the Council and notice must be disseminated in accordance with the Open Meeting Law, Minnesota Statutes Chapter 13D. Such notice must be delivered to each Council member and may be delivered electronically.

SECTION 2. First Meeting of the Year.^c

The City Council must hold an organization meeting on the first business day of January following a regular municipal election at the usual time and place(s) of holding Council meetings. In all other years, the City Council must hold an organization meeting not later than the second Monday of January. The organization meeting must be held to:

- (a) Appoint the Council Secretary.
- (b) Designate the official depository of City funds.
- (c) Designate the official newspaper of the City.
- (d) Designate the mayor pro tem, who must serve in the absence of the Mayor.
- (e) And such other organizational business as deemed necessary.

SECTION 3. Agendas.^d

All reports, communications, ordinances, resolutions, documents, or other matters submitted to the Council must be filed before 4:00 p.m. on the Wednesday prior to the Monday Council meeting at which consideration is desired, and must be delivered to the City Manager, or in the Manager's absence must be filed with the acting City Manager for inclusion in the proper order of business on the agenda. Provided, however, in unusual circumstances and when the matter does not require investigation by the City Manager or some department head, matters may be accepted after completion of the agenda upon approval of the City Manager. Any two members of the Council or the Mayor may request that the City Manager include a matter on the agenda.

Each agenda must state the location(s) of the Council meeting and explain the process to take action on matters on the consent agenda.

No item of business will be considered by the Council which does not appear on the agenda for the meeting, except that an exigent item that requires immediate action and is so stated as such may be considered by the Council regardless of whether there is a full membership present.

The Mayor, each Council member, the City Manager, the City Clerk, and the City Attorney must be sent a copy of the agenda by the afternoon of the Friday prior to the Monday Council meeting, three days prior to a special Council meeting, or as soon as reasonably possible for an emergency Council meeting.

SECTION 4. Administrative Officials.^e

^c Section 2 amended by resolution adopted December 30, 1968; by resolution adopted April 5, 2021.

^d Section 3 amended by resolution adopted January 12, 1970; by resolution adopted April 5, 2021.

^e Section 4 amended by resolution adopted April 5, 2021.

No matter may be submitted for Council action by an administrative official, department head, or employee unless it has first been presented to the City Manager for investigation or study for inclusion on the Council agenda.

SECTION 5. The Presiding Officer and Duties.^f

The Presiding Officer of the Council is the Mayor. The Mayor must assume the chair of the Presiding Officer at the first meeting of the Mayor's term of office. The Mayor must preserve strict order and decorum at all regular, special, and emergency meetings of the Council. As Presiding Officer, the Mayor must use the most current edition of *Robert's Rules of Order* for guidance, interpretation, or to supplement these Rules. The Mayor must state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council must govern and conclusively determine such question of order. The Mayor may vote on all questions, being the last name called. The Mayor must sign all ordinances and resolutions and contracts adopted by the Council. In the event of the absence of the Mayor, the mayor pro tem may sign ordinances, resolutions, or contracts as needed.

SECTION 6. Call to Order – Presiding Officer.^g

The Mayor, or in the Mayor's absence, the mayor pro tem, must take the chair precisely at the hour appointed for the meeting, and must immediately call the Council to order. In the absence of the Mayor, or the mayor pro tem, the Council Secretary must call the Council to order, whereupon a temporary Presiding Officer must be elected by the members of the Council present. Upon the arrival of the Mayor or mayor pro tem, the temporary Presiding Officer must immediately relinquish the chair upon the conclusion of the business immediately before the Council.

SECTION 7. Roll Call.^h

Before proceeding with the business of the Council, the Council Secretary must visually check the roll of the members and the names of those present and absent must be entered in the minutes.

SECTION 8. Quorum.ⁱ

A majority of all members elected constitutes a quorum to do business at any regular, special, or emergency meeting of the Council, but a smaller number may adjourn from time to time.

SECTION 9. Order of Business.^j

All meetings of the Council must be open to the public and the media in accordance with the Open Meeting Law, Minnesota Statutes Chapter 13D. Promptly at the hour set on

^f Section 5 amended by resolution adopted December 21, 2009; by resolution adopted April 5, 2021.

^g Section 6 amended by resolution adopted April 5, 2021.

^h Section 7 amended by resolution adopted April 5, 2021.

ⁱ Section 8 amended by resolution adopted December 21, 2009; amended by resolution adopted April 5, 2021.

^j Section 9 amended by resolution adopted January 2, 1974; by resolution adopted December 21, 2009; by resolution adopted January 2, 2020; by resolution adopted December 21, 2020; by resolution adopted April 5, 2021.

the day of each regular meeting, the members of the Council, the City Manager, the City Attorney, and the Council Secretary, must take their regular stations in the Council Chambers or as otherwise allowed by State Law or these Rules, and the business of the Council must be taken up for consideration and disposition in the following order:

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PUBLIC COMMENT PERIOD
5. INTRODUCTORY
6. CONSENT BUSINESS
7. HEARINGS, RESOLUTIONS, AND ORDINANCES
8. ORGANIZATIONAL BUSINESS
9. ADJOURNMENT

SECTION 10. Hearing Procedure.^k

(a) **Parliamentary procedure.** These Rules govern hearing procedures. When these Rules are silent, parliamentary procedure is governed by the most current version of *Robert's Rules of Order*.

(b) **Hearing Procedure.**

1. The Presiding Officer must state the matter to be heard.
2. The Presiding Officer may call upon the staff representative to present the staff report. At the conclusion of the report, Council members may ask questions of the staff representative through the Presiding Officer.
3. The Presiding Officer may thereafter call upon the applicant, licensee or other interested parties to address the Council on the matter under consideration.
4. All persons addressing the Council, including City staff, must address the Presiding Officer only, not other Council members, staff, or the public.
5. There must be no dialogue amongst Council members, staff, or the public during the hearing except as permitted by the Presiding Officer. Council members may ask questions of persons addressing the Council in order to clarify a fact, but any statement by a Council member for anything other than to pose a question on the matter under consideration may be ruled out of order by the Presiding Officer.
6. After all new facts and information have been brought forth to the Council, the hearing may be closed upon a majority vote of the Council.
7. If the hearing is closed the Presiding Officer may recall anyone who testified during the hearing in order to clarify points raised subsequent to the closure of the hearing. At the discretion of the Presiding Officer, if the testimony received after the closure of the hearing brings forth new facts or information of a substantive nature, the hearing may be reopened so that all interested parties may be heard again, but only to respond to the new facts or information.
8. Upon the completion of the hearing the Council members may debate the matter under consideration.

SECTION 11. Minutes.^l

^k Section 10 amended by resolution adopted December 21, 2009; by resolution adopted April 5, 2021.

^l Section 11 amended by resolution adopted April 5, 2021.

- (a) The Council Secretary must keep the record of all Council meetings.
- (b) Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Council Secretary has previously furnished each member with a copy thereof.

SECTION 12. Rules of Debate.^m

(a) **Participation of the Presiding Officer.** The Mayor or such other member of the Council as may be presiding may move, second, and debate from the chair, subject only to such limitations of debate as are by these Rules imposed on all members and must not be deprived of any of the rights and privileges of a Council member by reason of the Council member acting as the Presiding Officer.

(b) **Getting the Floor – Improper References to be Avoided.** Every member desiring to speak must address the Presiding Officer, and upon recognition by the Presiding Officer, must confine comments to the question under debate, avoiding all improper and indecorous language.

(c) **Interruptions.** A member, once recognized, must not be interrupted when speaking unless it is to call the member to order, to vote on a motion, to close a debate, or as herein otherwise provided. If a member, while speaking, is called to order, the member must cease speaking until the question of order is determined and if in order, the member must be permitted to proceed.

(d) **Privilege of Closing Debate.** The Council member moving the adoption of an ordinance or resolution has the privilege of closing the debate.

(e) **Remarks of Council member – When Entered in Minutes.** A Council member may request, through the Presiding Officer, the privilege of having an abstract of the member's statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement must be entered in the minutes.

(f) **Synopsis of Debate – When Entered in Minutes.** The Council Secretary may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

SECTION 13. Addressing the Council.ⁿ

Any person desiring to address the Council must first secure the permission of the Presiding Officer.

(a) **Written Communications.** Interested parties or their authorized representatives may address the Council by written communications regarding matters then under discussion.

(b) **Oral Communications.** Members of the public, or their authorized legal representatives, may address the Council by oral communications on any matter concerning the City's business, or any matter over which the Council has control; provided, however, that preference must be given to those persons who may have notified the City Manager, or the acting City Manager or other designee of the City Manager, in advance of their desire to speak in order that they may appear on the agenda. The Presiding Officer may limit remarks to set amount of time per speaker so long as the time limit is uniformly enforced.

^m Section 12 amended by resolution adopted December 21, 2009; by resolution adopted April 5, 2021.

ⁿ Section 13 established by resolution adopted July 12, 1993; amended by resolution adopted December 21, 2009; by resolution adopted April 5, 2021.

(c) **Public Comment Period.** Notwithstanding any provisions of these Rules to the contrary, a public comment period is hereby established for the purpose of providing members of the public with an opportunity to address the City Council on any subject pertaining to City business not on the agenda or on the consent section of that meeting's agenda. The public comment period must last for up to 20 minutes at each regular City Council meeting; provided, however, that the City Council, by a simple majority of those members of Council present, may vote to extend the length of the public comment period for any meeting. Individuals must limit their remarks to five minutes per speaker unless granted additional time by the City Council. Any person wishing to address the City Council during the public comment period may notify the City Manager's office in advance of the meeting. Preference must be given to those persons who may have notified the City Manager or the acting City Manager or other designee of the City Manager, in advance of their desire to speak in order that they may appear on the agenda. Each person addressing the Council must use the microphone in front of the dais if appearing in person or otherwise indicate the desire to speak as required if appearing electronically, then must state one's name in an audible tone of voice for the records, and sign the speaker's register if appearing in person. The Council may ask the speaker if the speaker resides in Bloomington.

(d) **Reading of Protests, Petitions, or Communications.** Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to zoning, special or general assessment proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration. The Presiding Officer may limit remarks to five minutes per speaker so long as the time limit is uniformly enforced. Any person wishing to address the City Council may notify the City Manager's office in advance of the meeting.

SECTION 14. Handling a Motion.^o

(a) **Main Motion.** A Council member may ask for recognition and be recognized by the Presiding Officer. A brief preliminary statement in favor of the motion may be made before the motion is stated. All motions must contain only one subject. All motions require a second. The Council member seconding the motion may speak for or against the motion. Once seconded, the Presiding Officer must state the motion and thereafter no other topics may be taken up until after the motion is disposed of. The motion under consideration may now be debated pursuant to Section 12 of these Rules.

(b) **Motion to Amend.** Any Council member may make a motion to amend in order to change, add or omit some part of a main motion. This motion is debatable and requires a majority vote of the Council members present for passage. A motion to amend is not amendable. First, a vote must be 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 should be on the floor at any one time.

(c) **Motion to Postpone to a Time Certain.** Any Council member may make a motion to require that consideration of the main motion be delayed until a certain, stated time for, among other reasons, obtaining more information. A future date certain must be set when the subject is considered. This motion is debatable and requires a majority vote of the Council members present for passage.

(d) **Motion to Table Indefinitely.** Any Council member may make a motion to postpone consideration of the main motion so that the issue under consideration will be taken

^o Section 14 established by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

up at an unspecified, later date when it is placed on the agenda and a majority of the Council members present vote to call it from the table. This motion is not debatable and requires a majority of the Council members present for passage.

(e) Motion to Call the Question. Any Council member, upon recognition of the Presiding Officer, may make a motion to end discussion. When seconded, the Presiding Officer must immediately call the vote on the question of closing the discussion. This motion is not debatable and requires a majority of the Council members present for passage.

(f) Motion to Reconsider. Any Council member who voted on the prevailing side of the issue may make a motion that Council reconsider its vote on a matter considered during the same meeting that the original vote was taken or the next regularly scheduled meeting of the Council. The motion is in order at any time before final adjournment of that meeting or the next regularly scheduled meeting of the Council. In order to be reconsidered at the next regularly scheduled meeting of the Council, a Council member on the prevailing side must request that the City Manager place it on the Council agenda for reconsideration no later than the Thursday prior to the next regularly scheduled meeting of the Council. Only one Council member on the prevailing side is required to make such a request to the City Manager. A member on the prevailing side voted ‘yes’ on a matter that passed, or ‘no’ on a matter that did not pass. If a tie vote, then those voting against the matter are the prevailing side. Upon recognition of the Presiding Officer, a member of the prevailing side, may make a motion to reconsider a vote; any other member may second that motion. The Presiding Officer then restates the motion to reconsider. This motion is debatable and requires a majority of the Council members present for passage. Once debate concludes, then Council members vote on the motion to reconsider. If a motion to reconsider passes, then the prior original action by the Council is rescinded, and the matter is returned to the status that is had immediately before the prior original vote was taken. The motion originally voted upon will once again be pending.

(g) Motion to Rescind or Amend Something Previously Adopted. A motion to rescind or amend is appropriate when the time for reconsideration has ended. A motion is not in order if rescission or amending of an action is forbidden by law. If a motion to rescind or amend fails, no motion to rescind or amend the same action is in order until 12 months have elapsed. Any Council member may make either of these motions regardless of how that member voted on the original motion. If advanced notice was not given of a Council member’s intent to make one of these motions, then a two-thirds vote of the Council members present at the meeting, or a majority of all members of the Council, is required to adopt the motion. If advanced notice was given of a Council member’s intent to make one of these motions, then a majority of those present is required to adopt the motion. Advance notice is provided by announcing one’s intent at the immediately preceding Council meeting or by placing the item on the Council agenda in advance of the Council meeting.

(h) Point of Order. When a Council member believes that these Rules are being violated that member may, upon recognition of the Presiding Officer, interrupt business by calling out “Point of Order”. The Presiding Officer will then request the Council member to speak and decide whether the Point of Order is valid. In the discretion of the Presiding Officer, the Presiding Officer can place the matter to a majority vote of the Council. Point of Order must be raised when the alleged violation occurs; after debate it is untimely.

SECTION 15. Addressing the Council after Hearing Closed.^P

^P Section 15 was amended by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

No person may address the Council after the Council has voted to close the public hearing, unless recalled by the Presiding Officer. After a motion is made by the Council, no person may address the Council without first securing the permission of the Presiding Officer to do so or where the motion itself addresses the procedures by which the public hearing may be continued.

SECTION 16. Manner of Addressing Council – Time Limit.^q

Each person addressing the Council must use the microphone in front of the dais or otherwise follow the required directions when appearing electronically, must state one’s name in an audible tone of voice for the record, sign the speaker’s register in appearing in person, and unless further time is granted by the Presiding Officer, must address the Council no more than five minutes unless a longer period of time is permitted by the Presiding Officer or by vote of the Council and is uniformly enforced. All remarks must be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. The Council may ask the speaker if the speaker resides in Bloomington.

SECTION 17. Silence Constitutes Affirmative Vote.^r

Unless a member of the Council states that the member is not voting, the member’s silence must be recorded as an affirmative vote.

SECTION 18. Decorum.^s

(a) By Council members. While the Council is in session, Council members must preserve order and decorum, and a member must neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Council member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

Council members must be respectful of diverse opinions. Personal attacks will not be tolerated. Members must honor the role of the Presiding Officer to focus discussion on current agenda items. Objections to the Presiding Officer or other members’ actions should be voiced politely and with reason.

Care must be exercised to define and constrain discussions among members to the facts and relevant information.

The Mayor and Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. The Mayor and Council members are role models for residents, business people, and often stakeholders involved in public debate.

Members should support the majority opinion of the Council once a vote has been taken.

(b) By Staff and Members of the Public. No one may address the City Council unless recognized by the Presiding Officer. When addressing the Council on matters not on the agenda or on the consent agenda, the Rules set forth at Section 13(c) apply. Oral communications at City Council meetings concerning matters that are otherwise on the

^q Section 16 was amended by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

^r Section 17 has not been amended since establishment; amended by resolution April 5, 2021.

^s Section 18 was amended by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

agenda are governed by Section 16 of these Rules. Staff and members of the public attending meetings of the City Council must refrain from any unnecessary conversation or distracting activity. Members of the public attending a council meeting must observe the same rules of order and decorum applicable to the Council. City staff may exceed the five minute limit when required to provide the requested or other information.

SECTION 19. Code of Conduct.[†]

The Mayor and Council members are dedicated to govern efficiently and effectively with a commitment to the promotion of values and integrity of local government and democracy. The following principles govern the conduct of the Mayor and every City Council member:

1. The professional and personal conduct of members must be above reproach and avoid the appearance of impropriety. Members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, Boards, Commissions, staff or the public intended to disrupt or impede the orderly conduct of the City's business.

2. Members must comply with all applicable laws in the performance of their public duties, specifically including the Minnesota Government Data Practices Act and the Open Meeting Law, Minnesota Statutes Chapters 13 and 13D.

3. Members must perform their duties in accordance with these Rules established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions by the Council and City staff.

4. The Mayor and Council members must maintain the confidentiality of information concerning property, personnel, or legal affairs of the City. They must neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests. Such disclosure is a violation of these Rules.

5. Members will represent the official policies or positions of the Council to the best of their abilities. When presenting their individual opinions and positions, members must explicitly state they do not represent the position of the entire Council.

6. Each member must support the maintenance of a positive and constructive work place environment for City staff, private citizens, and businesses dealing with the City. Council members will recognize their roles, as delineated in the City Charter, City Code and State Statutes, in individual dealings with City staff.

7. No member may participate in a matter that affects the member's financial interests or those of a business with which the member is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession or occupation.

8. No member may use one's public position for personal gain or to secure special privileges or exemptions for the person or for others.

9. No member must, except as specifically permitted by Minnesota Statutes Section 471.895, accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form under circumstances in which it could be reasonably expected to influence the member in the performance of the member's official duties or intended as a reward for the member's official actions.

[†] Section 19 was established by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

10. Public decision-making must be fair and impartial and must not be discriminatory on the basis of those protected classes outlined in federal, state, and city laws and ordinances. The Mayor and Council members must conduct business and operate in a manner that is free from illegal discrimination on the basis of race, color, creed, religion, national origin, sex, disability, age, marital status, sexual orientation, receiving public assistance and familial status, both internally and in the relationships by and among the elected officials, the City staff, and their constituencies.

SECTION 20. Censure Policy.^u

(a) **Purpose.** This policy is intended to provide the mechanism by which the City Council, acting as a whole, can discipline and punish any of its members who violate state or federal laws, City ordinances, the City Charter or the Council's Code of Conduct as set forth in Section 19 of these Rules.

(b) **Policy.** It is the policy of the City Council that all of its members must comply with federal and state law, City ordinances, the City Charter and the City Council's Code of Conduct as set forth in Section 19 of these Rules. Violation of such law or rule of procedure tends to injure the City and to undermine the effectiveness of the City Council as a whole. Such conduct is deemed to be a dereliction of duty.

Censure is a formal resolution of the City Council officially reprimanding one of its members. An official reprimand is a punitive action which serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of a member as an elected official. Censure is an appropriate measure when the violation of law or the Code of Conduct is deemed by the City Council to be a serious offense.

The City Council must not impose censure on any of its members for the violation of any law while criminal charges are pending. However, when the criminal proceedings are final, the City Council need not be bound by the conclusion of a court or jury and may hold a censure hearing.

(c) Procedure

1. The Rules Committee is a standing committee of the Council consisting of three Council members each serving a two year term. A rotating schedule of two year terms must be prepared by the City Manager and approved by the Council. In the event the Rules Committee includes a Council member who is the subject of a requested censure or the Council member requesting censure, then the City Manager will advance the schedule forward to ensure there are three members serving as the Rules Committee.

2. A request for a censure hearing must be submitted to the Rules Committee in writing by a member of the Council. The request must contain the specific charges on which the proposed censure is based. A copy of the request for censure and the charges must be delivered to the Council member who is the subject of the requested censure at least three days prior to the Rules Committee meeting at which censure will be considered.

3. The Rules Committee must determine whether:
- Further investigation of the charges is required;
 - The matter is to be set for a public hearing; or
 - No action is required.

4. This determination is subject to confirmation by the City Council as part of the Rules Committee report at the next regular Council meeting.

^u Section 20 was established by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

5. Further investigation, if required, must be done by an *ad hoc* committee appointed by the Mayor. If the Mayor is the subject of the request, the committee must be formed by the mayor pro tem.

6. If the matter is set for public hearing, it must be scheduled far enough in advance to give the accused member adequate time to prepare a defense, not to exceed 30 days.

7. At the hearing, the Council member who is the subject of the requested censure must be given the opportunity to make an opening and closing statement and to question one's accusers from the podium. The Council member who is the subject of the requested censure may be represented and may have the representative speak or question on their behalf. Testimony must be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. The strict rules of evidence applicable to judicial proceedings do not apply to the hearing and the procedures may be generally informal.

8. A decision to censure requires adoption of a resolution making findings with regard to the specific charges, based on substantial evidence and approved by two-thirds of the Council members eligible to vote on the matter. The Council member who is the subject of the requested censure may not vote on the matter.

SECTION 21. Enforcement of Decorum.^v

(a) **Sergeant-at-Arms.** The Chief of Police, or such member or members of the Police Department as designated, must be the Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms carries out orders and instructions given by the Presiding Officer or by majority of the Council present for the purpose of maintaining order and decorum at the Council meetings. Upon instructions of the Presiding Officer, or majority of the Council, it is the duty of the Sergeant-at-Arms, or any members of the Police Department present, to place any person who violates the order and decorum of the meeting under arrest or restrained, and cause the individual to be prosecuted or civilly restrained, as appropriate.

(b) **Disruption.** The public will be allowed to appear and speak before the Council during the public comment period and public hearings as set forth in these Rules, unless the person disrupts or otherwise impedes the orderly conduct of any Council meeting, hearing, or other proceeding of the Council such as using threatening language, making personal defamatory statements, undertaking indecent or threatening behavior or violent actions. If, after receiving a warning from the Presiding Officer, the person persists in such conduct or otherwise disrupting the meeting, the Presiding Officer, pursuant to these Rules, may expel and direct the person to leave the meeting. Any Council member may appeal the order of the Presiding Officer and upon a majority vote of the Council members present such order of the Presiding Officer will be set aside. The vote is not debatable. Such person must be readmitted at a future Council meeting as long as there are not further disturbances or disruptions by such person at the future public meeting. Nothing herein limits or restrains negative, positive or neutral comment about the manner in which an individual employee, officer, official or Council member carries out the one's duties in public office or employment.

(c) **Banners and Signs.** Holding or placement of a banner or sign in the Council Chambers in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending the meeting is a violation of these Rules. Signage or banners may be no

^v Section 21 amended by resolution April 5, 2021.

larger than 11 inches by 17 inches inclusive of any handles. The Presiding Officer will direct the Sargeat-at-Arms to remove and store any sign or banner in violation of these Rules until the owner of it leaves the Council meeting and requests it returned. These requirements will be uniformly enforced.

(d) Recess or Adjourn. All members of the Council must assist the Presiding Officer in preserving decorum and in providing for the efficient operation of the meeting. By a majority vote of those present, the Council may vote to recess or adjourn the meeting to preserve order and decorum or for public safety.

SECTION 22. Special Committees.^W

All special Council committees must be appointed by the Council, except that the Rules Committee is appointed as set forth in Section 20 of these Rules.

SECTION 23. Council members May File Protests Against Council Action.^x

Any Council member has the right to have the reasons for the member's dissent from, or protest against, any action of the Council entered in the minutes.

SECTION 24. Ordinances, Resolutions, Motions and Contracts.^y

(a) Preparation of Ordinances. All ordinances must be reviewed by a licensed attorney in the City Attorney's Office. The preparation of an ordinances may be requested by any two members of the Council, at the request of the City Manager, or upon the City Attorney's own initiative.

(b) Introducing for Passage or Approval.

1. No ordinance may relate to more than one subject, which must be clearly expressed in its title, and no ordinance or section thereof may be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable, all ordinances must be introduced as amendments to existing ordinances or sections thereof.

2. At the time set for considering an ordinance, the Presiding Officer must refer it to the Council for a vote.

3. To the extent and in the manner provided by law, an ordinance may incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full. The City Council may by a two-thirds vote of all of its members direct publication of only the title and a summary of an ordinance.

4. The City Manager, at the meetings, may take part in the discussions of the City Council and may recommend to the Council such measures as the City Manager may deem necessary for the welfare of the people and the efficient administration of the affairs of the City. The City Manager has all the rights, powers and duties prescribed by City Charter and Minnesota Statutes in regard thereto; however, it is recognized that the City Council is the policy making body for the City and the City Manager's discussions at Council meetings must be confined to statements of fact, recommendations based on the City Manager's knowledge and experience, and explanations of the reasons for same, and any matters pertaining to administration.

^w Section 22 amended by resolution April 5, 2021.

^x Section 23 amended by resolution April 5, 2021.

^y Section 24 was amended by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

5. The City Attorney may not take part in the discussions of the City Council at the meeting except to answer questions directed to the City Attorney, comment on matters involving legal posers or procedures of the City, and to present factual material to the Council.

6. No City employee, other than those above mentioned in subdivisions 4 and 5, may enter into discussions of the City Council at the meeting except to answer questions directed to such employee or to present factual information. This regulation of City employees must not be construed to limit their appearance before the City Council of any City employee when such appearance is made as a member of the public, for or against some particular issue under discussion by the Council.

SECTION 25. Presentations and Proclamations^Z

(a) **Issuing Mayoral proclamations outside of City Council meetings.** The City will issue Mayoral proclamations for individuals and organizations if they are affiliated with:

1. An organization with an official relationship to the City (e.g., Bloomington Athletic Association, Bloomington School District, Bloomington Sister City Organization);
2. A local, state or national organization that is hosting a convention in Bloomington;
3. A local, state or national government or non-profit organization that is recognizing a specific day, week or month, as long as the request is made by a Bloomington resident actively participating in that organization or by a City department or division; or
4. A company or organization that has been in business for at least 50 years in Bloomington.

(b) **Allowing presentations or the reading of proclamations at City Council meetings.** The City will allow presentations or the reading of proclamations at City Council meetings as set forth on the agenda so long as:

1. The City is a sponsor of the event for which the recognition or proclamation is requested (e.g., Public Works Week);
2. The organization has an official relationship to the City or is one in which City of Bloomington employees are participating (e.g., Disability Employment Awareness Month, Child Abuse Prevention Month, Arbor Day, National League of Cities);
3. The award or proclamation is directly related to the City's mission as a local governmental entity (e.g., Constitution Week, Respect for Law Week); or
4. The organization is a long-time recipient of proclamations at City Council meetings (e.g., VFW Buddy Poppy Program);
5. The request is made by a City department or division or a Bloomington resident actively participating in a local, state or national government or non-profit organization that is recognizing a specific day, week or month; or
6. The company or organization is being recognized for having been in business for at least 50 years in Bloomington.

(c) **Proclamations or presentations not allowed.** The following types of proclamations or presentations will not be allowed outside of or during City Council meetings:

^Z Section 25 was amended by resolution adopted July 12, 2010; amended by resolution April 5, 2021.

1. Any proclamation that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
2. Any proclamation that supports or opposes political campaigns or ballot measures;
3. Any proclamation that is used to support solicitations of commerce;
4. Presentations or proclamations requested by outside organizations or individuals in which the City has no official interest, sponsorship or relationship; or
5. Presentations or proclamations outside the purview of the City of Bloomington's governance.

(d) City Manager's authority. The City Manager has the authority to approve presentations and proclamations proposed for City Council meetings consistent with the following:

1. Speakers who disturb the orderly conduct of the meeting may forfeit their right to address the Council and be asked to leave the Council meeting.
2. Requests to make presentations and proclamations at City Council meetings must be submitted to the City Manager's Office.
3. All presentation materials, including videos and PowerPoint presentations provided by members of the public for presentation at Council meeting, must be presented to the City Manager's office at least two business days prior to the City Council meeting to ensure compatibility with the City's audiovisual equipment and technical quality of the presentation materials. This requirement does not apply to pieces of paper placed by the speaker at the speaker's podium for display when seeking to use the overhead camera in the Council Chambers.

(e) Right to refuse. The City of Bloomington reserves the right to refuse to allow presentations and proclamations that are in conflict with these Rules.

SECTION 26. Suspend the Rules.^{aa}

By unanimous consent of all Council members present at a meeting, provisions of these Rules may be suspended.

SECTION 27. Adjournment.^{bb}

A motion to adjourn is always in order, be decided without debate, and must be adopted by a majority of those members of the Council present at that meeting.

SECTION 28. Matters Not Specifically Covered.^{cc}

The most current edition of *Robert's Rules of Order* is accepted as an authority on parliamentary practice on matters not specifically covered in these Rules.

SECTION 29. Appointment of Persons to City Boards and Commissions.^{dd}

In filling a vacancy on a City board or commission, the City Council must complete the process of nominating one or more candidates and then hold an election to select one or

^{aa} Section 26 amended by resolution adopted April 5, 2021.

^{bb} Section 27 amended by resolution adopted April 5, 2021.

^{cc} Section 28 amended by resolution adopted December 21, 2009; by resolution adopted April 5, 2021.

^{dd} Section 29 established by resolution adopted January 30, 1995; by resolution adopted April 5, 2021.

more eligible persons. The voting must be by roll call. An affirmative vote of a majority of those Council members present is required to elect a candidate.

SECTION 30. City Council E-Mail Communications.^{ee}

E-mail communications exchanged between a quorum or more of Council members that are related to official City business are prohibited. Any issue that may or will be acted on by the City Council is considered official business of the City. Any Council member desiring to communicate information relating to official City business to the other Council members through e-mail or other electronic means must direct that communication to the City Manager, or the City Manager's designee, who must then transmit the information to the other Council members. An exchange of e-mails between two or three Council members involving official City business must not be forwarded to the other Council members.

^{ee} Section 30 established by resolution adopted July 18, 2005; amended by resolution April 5, 2021.

Appendix A

SAMPLE CITY OF BLOOMINGTON, MN COUNCIL MEETING PROCEDURES

WELCOME TO A MEETING OF THE BLOOMINGTON CITY COUNCIL

The City Council welcomes you to this meeting and invites you to participate in matters before the council. When meeting in the Council Chambers, members of the council are seated at the dais or appear electronically and each has a nameplate for recognition. City staff members are seated on the side of the dais, or may appear electronically. The council meets nearly each Monday at 6:00 p.m. in the Council Chambers and electronically as permitted by law. The Council may need to meet at other times to take care of time sensitive matters.

AGENDA FOR COUNCIL MEETINGS

Meeting agendas are typically available a few days before and during the meeting. A paper copy is located near the public entrance door to the Council Chambers. The agenda is also available on the City's website. Any written materials received sufficiently in advance of the meeting and then distributed to the Council will also be available for public inspection at the meeting and on the City's website.

PUBLIC PARTICIPATION

The Council welcomes suggestions and comments that help meet the needs of the City and improve its operations. Please speak from the podium and use the microphone when addressing the Council in person. Follow directions to make your presence known if appearing electronically. Speak clearly. If you require a reasonable accommodation or translation services so that you can participate in the Council meeting, please contact the City's ADA Office at 952-563-8733 preferably two business days before the meeting, so the City can attempt to provide your requested accommodation. Written materials may be submitted instead of or in addition to oral public comment at any time by handing your materials to the Council secretary or by sending them by email address or voicemail account listed on the agenda.

PUBLIC COMMENT PERIOD (MATTERS NOT ON THE AGENDA)

The public comment period is scheduled for up to 20 minutes and occurs near the beginning of the meeting. The public may address the City Council on matters not on the Council agenda for that meeting or on matters on the consent portion of the agenda for that meeting. Each speaker has 5 minutes to address the Council. Groups are encouraged to appoint a spokesperson in order to avoid repetitive testimony. The City Council will provide a response to matters raised during public comment at a subsequent City Council meeting.

PUBLIC HEARINGS (MATTERS ON THE AGENDA)

Before the City Council takes action on certain matters on the agenda, the law requires a public hearing. This hearing is an opportunity for members of the public to provide testimony to the City Council on that specific matter. Each speaker has 5 minutes to address the Council unless a different time limit has been announced by Presiding Officer (typically the Mayor). Groups are encouraged to appoint a spokesperson in order to avoid repetitive testimony. Please sign the speaker roster after you testify so we have the proper spelling of

your name and contact information for the meeting minutes and any required follow up by City staff to you. The Council or City staff may briefly respond to statements or questions raised during the public hearing. Written materials may be submitted in lieu of or in addition to public testimony at any time by handing your materials to the Council secretary or by sending them by email to the address listed on the agenda. You may also leave a voicemail by following the directions listed on the agenda.

IDENTITY OF SPEAKERS

The presiding officer (typically the Mayor) will ask each speaker to write the speaker's name on a sign-up sheet so your name is correctly recorded in the minutes if appearing in person. The presiding officer will ask each speaker to state the speaker's name to introduce themselves before speaking.

CONSENT AGENDA ITEMS

These items are considered to be routine by the City Council and will be acted on by one motion. There will be no separate discussion of these items unless a Council member requests it be removed from the consent agenda and considered at the end of Consent Business or at another stated time on the agenda as determined by the City Council. If you want to have an item removed from the consent agenda, then please alert the Council Secretary prior to the start of the City Council meeting. The Council Secretary will notify the City Council of a request to remove an item from the consent agenda

PRESENTATIONS

All presentation materials, including videos and PowerPoint presentations, must be presented to the City Manager's office at least two business days prior to the City Council meeting to ensure compatibility with the City's audiovisual equipment and technical quality of the presentation materials. This requirement does not apply to a piece of paper placed by the speaker at the speaker's podium for display when seeking to use the overhead camera in the Council Chambers.

RECORDING

City council meetings are recorded and often televised. In order for the Council and audience to hear you, it is essential that speakers use the podium or your electronic microphone when addressing the Council.

ELECTRONIC DEVICES

To observe the order and decorum of city council meetings, the volume on all electronic devices should be turned off or set on silent mode.

AMERICANS WITH DISABILITIES ACT (ADA)

In accordance with the Americans with Disabilities Act, the City of Bloomington will ensure that all existing facilities will be made accessible to the disabled. Modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability. Individuals with disabilities are encouraged to contact the City's ADA Office at 952-563- 8733 to discuss meeting accessibility.

Last Updated April 5, 2021

City of Dilworth Planning Commission By-Laws

SECTION 1. PURPOSE

The purpose of the Planning Commission by-laws is to provide a set of operating procedures for the Planning Commission, and to establish a code of ethics and conduct.

SECTION 2. ADOPTION OF PLAN OF WORK

Upon the appointment and organization of the Planning Commission, the Commission, subject to council approval, shall proceed with the preparation and adoption of a plan of work, outlining the activities proposed to be undertaken within the exercise of its powers and the performance of its duties. Subject to council approval, the plan may be revised from time to time.

SECTION 3. ANNUAL REVIEW

These by-laws shall be reviewed annually by the Planning Commission, and any changes or amendments agreed to by a majority vote of the Commission shall be recommended to the City Council for adoption. In addition, the City Council may review the by-laws and adopt amendments as needed.

SECTION 4. ANNUAL MEETINGS

The annual meeting of the Planning Commission shall be the first regular meeting in the month of January of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning Commission.

SECTION 5. REGULAR MEETINGS

Regular meetings of the Planning Commission shall be held in the City Hall or other Officially Noticed location at 5:30 p.m. on the first Wednesday of each month. At such meetings, the Commission may consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting. Any regular meeting falling upon a holiday shall be held on the following business day at the same time and place.

SECTION 6. SPECIAL MEETINGS

Special meetings of the Planning Commission may be called by the Chairperson or Vice-Chairperson, City Council or City Administrator who shall designate the time, place and purpose of the meeting. Notice of special meetings must conform to the Minnesota Open Meeting Law. Written notice thereof shall be given to all members not less than 72 hours in advance of the special meeting except in the case of an emergency.

SECTION 7. QUORUM

In order for any meeting to be called to order, a quorum of members must be present. A quorum is a majority of the members. During the course of a meeting, at least a majority of the voting members must be present to take action on any matter before the Commission.

SECTION 8. MEETINGS AND THE OPEN MEETING LAW

In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings of the Planning Commission shall be open to the general public. An "official" Planning Commission meeting is any gathering, or simultaneous communication of a quorum of Commission members for the purpose of considering the public business of the Planning Commission. Informal gatherings and communications such as site visits and conference telephone calls, therefore, may constitute an official meeting. The Planning Commission may exclude the public from its meeting only in certain very limited cases identified in the Open Meeting Law.

SECTION 9. VOTING AND RECOMMENDATIONS

At all meetings of the Planning Commission, each member attending shall be entitled to cast one vote on matters before the Planning Commission. In the event that any member shall have a conflict of interest, as determined by the City Attorney, concerning a matter then before the Commission, he/she shall disclose his/her interest and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing those voting for and those voting against.

All recommendations shall be sent to the City Council by means of written minutes or report from the City Administrator, and shall include the record of the division of votes on each recommendation.

SECTION 10. REGULAR PROCEEDINGS

(A) At any regular meeting of the Planning Commission, the following shall be the regular order of business:

1. Call to Order
2. Approval of Agenda
3. Minutes of the Preceding Meeting(s)
4. Items to be heard - Public Hearings - New Applications
5. Public Hearings - Continued Hearings
6. Approval of Building Permits
7. Member's Concerns, Questions, and Updates
8. Adjournment

(B) The following procedures will normally be observed for matters before the Planning Commission, except for public hearings which follow the procedures detailed in Section 14; however, they may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business:

1. Staff presents report and makes recommendation (if any).
2. The Planning Commission may ask questions regarding the staff presentation and report (if any).
3. Proponents of the agenda item make a presentation (if any).
4. Any opponents make presentations (if any).
5. Applicant makes rebuttal of any points not previously covered (if any).
6. Planning Commission asks any questions it may have of the proponents, opponents or staff (if any), and then takes a vote.

(C) Each formal action of the Planning Commission required by law, rules, regulations or by-laws shall be embodied in a formal vote duly entered in full upon the Minute Book after an affirmative vote as provided in Section 5 hereof and may be accompanied by written findings of fact.

SECTION 11. AGENDA AND DEADLINE FOR AGENDA

(A) **Purpose.** The agenda of a Planning Commission meeting serves two important functions: it focuses Planning Commission deliberations by determining what matters will be considered at the meeting, when each matter will be considered, and the context in which each matter will be considered; and, it serves as the public's only guide to what will be considered at the meeting, how the matter be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions.

(B) **Deadlines.** The agenda shall be prepared by City Staff and shall be closed at noon eight days prior to the meeting for preparation purposes.

(C) **Agenda Additions During Regular Meetings.** Additional items may be added to the agenda at a Planning Commission meeting subject to approval by a majority vote of the members present. The additional agenda items may be discussed, but no action may be taken if any member objects.

If a new item of business proposed to be added to the agenda requires staff review (such as re-zonings, ordinance amendments, preliminary subdivision plans, and subdivision review procedures and guidelines), involves quasi-judicial procedures (such as a request for a hardship variance from Subdivision or Zoning Ordinance standards), or involves substantive matters of potential public interest (such as the Comprehensive Plan, or other major policies), the Commission may add the item to the agenda only for purposes of referring it to the staff or a Commission committee, or scheduling it for consideration at a later meeting (as appropriate). The Commission may not discuss the substance of the

matter or take any final action on the item except at a meeting where the item is included on the distributed agenda.

(D) Delivery of Agenda to Members.

At least six days before the meeting, the City Staff shall provide each Commission member a meeting agenda and all materials related to items on the agenda.

(E) Order and Form of the Agenda.

The agenda organization shall generally conform to Section 10 above. In addition, the agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many interested persons (such as those involving notice to adjoining property owners and those involving other public notice) should generally be placed early on the agenda, thereby, minimizing the time citizens must wait for consideration of the item that brought them to the meeting. The agenda should identify (by name and/or role) the leading participants at each step of the Commission's review and indicate the step at which interested persons will have the opportunity to comment on the item.

SECTION 12. MINUTES

(A) Purpose. The minutes of the Planning Commission's meetings represent the official record of the Commission's deliberations and actions. As such, they record the Planning Commission's vote on actions and the reasons for the vote. The minutes also communicate background on the Planning Commission's recommendations to the City Council, provide perspective on issues, and provide a historical record of Commission proceedings. Furthermore, state law requires the Commission to keep full and accurate minutes of all official meetings, and requires that those minutes be retained and be available for public inspection by any person subject to the state public records law and the city records retention schedule.

(B) Duties of Staff Preparing Minutes. City Staff shall prepare minutes of all Planning Commission meetings. The minutes shall state:

1. Which members were present and absent, and whether absent members were excused or not excused.
2. A summary of staff and committee reports and recommendations, applicants' presentations, public comments, and the Planning Commission's discussion on each item.
3. The content of each principal motion before the Planning Commission, the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting for or against the motion).

SECTION 13. RULES OF PROCEDURE FOR PLANNING COMMISSION MEETINGS

All meetings of the Planning Commission shall be conducted in accordance with the following Minnesota Mayors Association Rules of Order for City Councils.

SECTION 14. PUBLIC HEARINGS

- (A) A public hearing is a noticed, official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Planning Commission.
- (B) For certain matters considered by the Planning Commission, a requirement that the Planning Commission conduct a public hearing is prescribed by State Statute or City of Dilworth ordinances. The Planning Commission, however, may elect to conduct a public hearing, although not specifically required, if the Planning Commission determines that due to the unique nature of the matter, it is advisable.
- (C) The Planning Commission may neither deliberate nor take a substantive vote during a public hearing, but may ask questions for the sake of clarification of speakers.
- (D) The Planning Commission, upon resuming their regular meeting after the close of the public hearing, may take action upon the matter discussed at the public hearing.
- (E) Conduct of Persons Before the Planning Commission
 - 1. During all public hearings required by state law or ordinance, members of the public shall be given reasonable opportunity to speak. In order to promote meeting efficiency, the Chair may discourage duplicative testimony and may place reasonable time limits on the amount of time that individuals have to speak. Comments should be addressed to the item before the Planning Commission. Where a comment is irrelevant, inflammatory, disruptive or prejudicial, the Chair may instruct the Planning Commission to “disregard” the comment, which nevertheless remains in the public record.
 - 2. During all regular and special meetings of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.
 - 3. During all proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with reasonable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the Chair as “out-of-order” and the offending person directed to remain silent. Once, having been so directed, if a person persists in disruptive conduct, the Chair may order the person to leave the Planning Commission meeting or hearing. Where the person fails to comply with an order to leave, the Chair may then call upon civil authority to physically remove the individual from the chamber for the duration

of the hearing or deliberation on that item.

4. The Chairperson of the Planning Commission may impose additional limits or rules upon members of the public as permitted by Section 16.

(F) Additional Rules of Procedure for Public Hearings

1. Public Hearing Format. Public hearings shall be conducted in the following manner:
 - (a) The presiding officer calls the public hearing to order and declares the time of opening.
 - (b) The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the Planning Commission. However, a hearing may not be opened prior to the predetermined and published time.
 - (c) Staff presentation.
 - (d) The applicant (if any) may make a presentation or report on the subject matter for the hearing.
 - (e) The presiding officer asks Planning Commission members if they have questions of the staff, if any.
 - (f) The presiding officer announces that input will be received from the citizens, requesting that each speaker provide a name and address, noting any applicable time limits for comment from individual members of the public, any other applicable rules and explaining the procedure for enforcement of such rules.
 - (g) Close the public hearing. After members of the public have spoken, the presiding officer requests a motion to
 - i. Continue a public hearing. If the Planning Commission votes to continue the hearing, the presiding officer shall, in consultation with City Staff, select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date.
 - (h) The Planning Commission addresses the subject matter through deliberation, questions to citizens and staff, and reactions and statement of position on the subject.
 - (i) If the public hearing is closed, the Planning Commission may take action on the application before them. The Commission may formulate a recommendation which outlines the parameters under which an approval would be granted. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information

is present to make a decision. The Planning Commission shall delineate the missing information before continuing the item.

SECTION 15. OFFICERS

The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson, and Secretary elected by the Planning Commission at the annual meeting for a term of one year. In the absence of the Chair and Vice-Chair, the remaining members shall elect a Temporary Chair for that respective meeting.

SECTION 16. DUTIES OF OFFICERS

The Chair is a voting member of the Planning Commission and may make motions. In addition, the duties and powers of the officers of the Planning Commission shall be as follows:

(A) Chairperson

1. To preside at all meetings of the Commission.
2. To sign documents of the Commission.
3. To see that all actions of the Commission are properly taken.
4. To cancel or postpone any regularly scheduled meetings.
5. To invoke a reasonable time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.
6. To order an end to disorderly conduct.
7. To schedule a second official public hearing meeting or other continued meeting in the event that a meeting or public hearing cannot be concluded by a reasonable hour in the judgment of the Chairperson.
8. The presiding officer has the responsibility to facilitate discussion by the Planning Commission. This may occur in a variety of ways, including:
 - Interpret and apply rules of procedure.
 - Decide whether motions are properly made.
 - Decide whether motions are in order.
 - Decide whether questions of special privilege ought to be granted.
 - Decide when to recognize speakers.
 - Call for motions or recommend motions.
 - Expel disorderly persons from the meeting.
 - Enforce speaking procedures.

(B) Vice-Chairperson

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

(C) Secretary

1. To sign official documents of the Commission and other duties as required.

SECTION 17. COUNCIL LIAISON

The City Council will appoint a liaison and alternate to the Planning Commission at their first meeting in January. The liaison is a voting member of the Planning Commission and is responsible for any reports to the Council, originating from the Planning Commission.

SECTION 18. VACANCY

If a vacancy occurs among the members of this Planning Commission by reason of death, resignation, disability or otherwise, City staff shall then see that a new appointment is made by the City Council. Resignations should be made in writing to the City Administrator.

SECTION 19. AMENDMENTS

These by-laws on rules of procedure may be amended at any meeting of the Planning Commission. All amendments are subject to City Council review and approval before they take effect.

**CITY OF HASTINGS
CHARTER COMMISSION**

**By-Laws & Rules of Procedure
Approved April 20, 2000**

- A. MEETING.** The Commission shall meet at least once each calendar year, as required by Minnesota Statutes Section 410.05, Subdivision 4. The goal will be to meet once per quarter, unless additional meetings are deemed necessary. All meetings of the Commission shall be open to the public, in compliance with MS 471.705. Meetings shall be scheduled at the call of the Chairperson or the Vice Chairperson. Meetings normally will be held on the second Thursday of a month in City Hall or such other public place as may be substituted by scheduling requirements.
- B. AGENDA.** A written agenda shall be prepared and delivered to all Commission members at least 5 days in advance of each meeting, and shall be available to members of the public at the meeting.
- C. QUORUM.** A quorum shall consist of a majority of the members of the Commission.
- D. ELECTION OF OFFICERS.** The officers of the Commission shall consist of a Chairperson, a Vice Chairperson, and such other officers, as the Commission may deem necessary from time to time. The Commission may hire a person to take notes and prepare and distribute minutes of meetings in lieu of electing a Secretary. Officers will be elected at the first meeting of each calendar year or at such other times as may be needed to fill vacancies. Each officer will serve for one year and may be re-elected, but may serve no more than two consecutive terms in each office.
- E. MINUTES.** Minutes of each meeting of the Commission shall be prepared, distributed to all members of the Commission before the next meeting of the Commission, and a copy maintained in a file at City Hall (MS 471.705, Subd. 1). Courtesy copies of the minutes may be distributed to city officials or other interested parties.
- F. NON-ATTENDANCE AT MEETINGS.** "When any member has failed to perform the duties of office and has failed to attend four consecutive meetings without being excused by the commission, the secretary of the charter commission shall file a certificate with the court setting forth those facts and the district court shall thereupon make its order of removal and the chief judge shall bill the vacancy created thereby."
(Minnesota Statutes Sec. 410.05, Subd. 2)

City of Hastings Charter Commission

Page Two

G. ANNUAL REPORT. “The Commission shall submit to the chief judge of the district court, on or before December 30 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year.”
(Minnesota Statutes Sec. 410.05, Subd. 2).

H. RULES OF PROCEDURE. The Chairperson, or in his or her absence, the Vice Chairperson, shall preside at meetings of the Commission. The Chairperson or Vice Chairperson may arrange in advance of a meeting for any other member of the Commission to act as Chairperson pro tem. Unless such arrangement has been made, in the absence of both Chairperson and Vice Chairperson, the members of the Commission present shall elect a Chairperson pro tem.

The presiding officer may make or second motions, participate in discussions, and vote.

All matters put to a vote shall be decided by a majority of the members present, unless otherwise required by Robert’s Rules of Order, Revised.

The presiding officer may call upon members of the public for statements or opinions, except at such times as a vote of members of the Commission has been called for.

Except as otherwise provided by Minnesota Statutes, the Hastings City Charter, or these rules, the proceedings of the Commission shall be conducted in accordance with the current edition of Robert’s Rules of Order, Revised.

I. ORDER OF BUSINESS. Commission business shall be conducted in the following order.

1. Call to order.
2. Roll call.
3. Determination of Quorum.
4. Minutes of previous meeting.
5. Reports of committees.
6. Unfinished business.
7. New business.
8. Introduction of business for future meetings.
9. Announcements.
10. Adjournment.

J. COMMITTEES. The Chairperson or other presiding officer may appoint committees as deemed necessary from time to time.

DRAFT - 11-20-2018
1MOUNDS VIEW CHARTER COMMISSION
BYLAWS
Adopted: **January 29, 2019**

ARTICLE I - THE COMMISSION

Section 1. Name of Commission. The name of the Commission is the “Charter Commission of Mounds View, Minnesota.”

Section 2. Purpose. The purpose of the Charter Commission is to serve as custodians of the Mounds View City Charter in accordance with state laws, these bylaws and rules of the Charter Commission.

Section 3. Office of Commission. The offices of the Commission are at Mounds View City Hall for purposes of official Commission business.

Section 4. Members. The Commission is composed of up to and including nine (9) members. Members shall serve during their term and until their successors are appointed and have qualified, pursuant to Minnesota Statutes, Section 410.05, as amended.

Section 5. Records. Each member shall receive a copy of the City Charter and the Commission Bylaws. The current City Charter shall be kept on file at the City offices and made available for public review.

Section 6. Review of Bylaws. The Bylaws shall be reviewed at least once every two years.

ARTICLE II - OFFICERS

Section 1. Officers. The officers of the Commission are the Chair, Vice-Chair, Second Vice-Chair and Secretary.

Section 2. Chair. The Chair shall call the regular meetings of the Commission, prepare the agenda, preside at all meetings, oversee the implementation of the decisions of the Commission, forward any documents to the city for action or archive, and act as the primary liaison with City staff. The Chair retains all the rights and responsibilities held as a member of the Commission including the right to vote. By the December meeting each year, the Chair shall submit to the Commission for its approval, an annual report summarizing the activities and accomplishments of the Commission for the calendar year. The annual report to the Commission may contain the Chair’s recommendation for Commission activities for the ensuing year.

Section 3. Vice-Chair. The Vice-Chair shall perform the duties of the Chair during the Chair’s temporary absence, and shall perform such duties during any vacancy of that office until the Commission elects a new Chair.

Section 4. Second Vice-Chair. The Second Vice-Chair shall perform the duties of the Vice-Chair during the Vice-Chair’s temporary absence, and shall perform such duties during any vacancy of that office until the Commission elects a new Vice-Chair.

49 **Section 5. Secretary.** The Secretary shall prepare the records, record the minutes and votes at each
50 meeting stating what was done, not what was said, and submit them to the Chair before the next
51 regularly scheduled meeting. On or before December 31st of each year, the Secretary shall submit to
52 the Chief Judge of the District Court the Chair's approved annual report outlining the Commission's
53 activities and accomplishments. The Secretary shall forward a copy of the report to the City
54 Administrator. The Commission may designate by majority voice vote an Assistant Secretary from
55 the Charter Commission membership whose duties shall be to assist the Secretary, and to perform
56 the duties of Secretary in the event of the absence or vacation of office by the Secretary until such
57 time as the Commission elects a new Secretary.

58
59 **Section 6. Additional Duties.** The officers of the Commission shall perform such other duties and
60 functions as may from time to time be required by the Commission or its bylaws or rules.

61
62 **Section 7. Compensation; Expenses.** The members of the Commission shall receive no
63 compensation, but the Commission may employ an attorney and other personnel to assist in
64 amending or revising the City Charter, and the reasonable compensation and the cost of printing
65 such charter, or any amendment or revision thereof, when so directed by the Commission shall be
66 paid by the City. The amount of reasonable and necessary Commission expenses shall be so paid by
67 the City in accordance with Minnesota Statutes Section 410.06, as amended.

68
69 **Section 8. Elections.** The Chair, Vice-Chair, Second Vice-Chair and Secretary shall be elected
70 from among the members of the Commission within 90 days after November 1st of even-numbered
71 years, and shall hold office for two years or until their successors are elected and qualified. The
72 Chair shall conduct the election. Officers shall be declared elected and qualified by a simple
73 majority vote of those present and voting. Nomination for the position of Chair requires one year of
74 service on the commission to be eligible. No officer shall be eligible to hold more than six
75 consecutive terms in the same office. In filling vacancies for unexpired terms, an officer who has
76 served more than half of a term is considered to have served a full term in that office. Newly elected
77 officers shall take office at the close of the meeting in which the election is held.

78
79 **Section 9. Vacancies.** Vacancy in an office is declared by a motion brought before the Commission
80 by any Commissioner when a member resigns or a member is absent from four consecutive regular
81 Commission meetings without being excused by the Commission. A vacancy in the office of Chair,
82 Vice-Chair, Second Vice-Chair or Secretary shall be filled by a special election by the Commission
83 within 90 days of the vacancy, The elected successor shall serve the unexpired term of office starting
84 at the close of the meeting in which the election is held.

85
86 **Section 10. Appointments.** It is the responsibility of each individual member that is eligible for re-
87 appointment to submit to the Judicial District Court Chief Judge the appropriate paper work for re-
88 appointment consideration. A qualified and acting member shall be defined as a person who has been
89 appointed by the Judicial District Court Chief Judge and has confirmed their acceptance of that
90 appointment by signing and returning a notarized oath of acceptance.

91

ARTICLE III – MEETINGS

92
93
94 **Section 1. Regular Meetings.** The Commission shall meet at least once during each calendar year.
95 The Commission shall also meet upon presentation of a petition with signatures numbering at least
96 ten percent of the total City of Mounds View ballots cast for President in the most recent Presidential
97 election, or upon resolution approved by a majority of the City Council, requesting the Commission
98 to convene, the commission shall meet to consider the proposals set forth in such petition or
99 resolution. All meetings shall be held in the Mounds View City Hall unless meeting notices state
100 otherwise. All meetings shall comply with the Minnesota Open Meeting Law (Minnesota Statutes,
101 Section 471.705, as amended). The meetings will be conducted in accordance with *Robert's Rules of*
102 *Order Newly Revised*.

103 **Section 2. Special Meetings.** The Chair or any two members of the Commission may call a
104 special meeting to transact any business stated in the meeting notice in accordance with state law.
105 Notice of the special meeting shall state the time, date, place and business to be conducted at the
106 special meeting. Notices may be delivered by email or any method of contact that provides an
107 acknowledgement of receipt of the notice. Any member that does not acknowledge receipt must
108 have the notice delivered in person or mailed to the member's designated mailing address at least
109 three days prior to the special meeting. The business to be considered at special meetings shall be
110 limited to that stated in the meeting notice unless all members of the Commission are present and
111 vote unanimously to conduct additional business.

112 **Section 3. Quorum.** In accordance with Minnesota Statutes Section 410.05, as amended, a quorum
113 shall be defined as follows: If there are nine (9) qualified and acting members, then five (5) members
114 shall constitute a quorum. If there are less than nine (9) qualified and acting members, then four (4)
115 members shall constitute a quorum for the purpose of conducting the commission's business and
116 exercising its powers and for all other purposes. If the commission lacks a quorum, a smaller number
117 of members may set a time to reconvene the commission, continue to meet as a subcommittee if
118 desired, and report their discussions to the commission.

119 **Section 4. Order of Business.**
120 The Commission shall use the following order of business at its meetings:

- 121
122 1. Call to Order
123 2. Roll Call.
124 3. Approval of Minutes.
125 4. Citizens Comments from the floor.
126 5. Reports of the Chair.
127 6. Reports from members or committees.
128 7. Unfinished Business.
129 8. New Business.
130 9. Adjournment.

131
132 Order of Business may be changed at a meeting by a majority vote of the commission members
133 present.

134
135 **Section 5. Committees.**
136 The Commission may establish and appoint committees. Each committee must designate a Chair.
137

138 **Section 6. Discharge of Members.** Any member who has failed to attend four consecutive
139 meetings, regular or special, without being excused by the Commission, may be discharged
140 according to the provisions of Minnesota Statutes, Section 410.05, Subdivision 2, as amended.

141
142 **ARTICLE IV - AMENDMENTS AND REVISIONS**

143
144 **Section 1. Bylaws Amendment Procedure.** The Commission Bylaws may be amended by a
145 resolution, made in writing, and adopted by a majority vote of qualified and acting members at a
146 properly noticed meeting of the Commission.

147
148 **Section 2. Charter Amendment Procedures.**

149
150 The Charter may be amended as provided in Minnesota Statute 410.12, as amended, and
151 summarized here by any one of the four following methods:

152
153 **Method 1.** The Charter Commission may by a majority vote of its members approve a
154 resolution recommending an amendment to the Charter by Ordinance under Minnesota Statute
155 410.12 subd 7. Such an Ordinance must be published in the official newspaper two weeks prior
156 to a public hearing on the matter and then requires an affirmative vote of all five members of the
157 City Council. The ordinance will be come effective 90 days after passage if not petitioned for
158 referendum.

159
160 **Method 2.** The Charter Commission may by a majority vote of its members approve a
161 resolution recommending an amendment to the Charter by requesting it be placed before the
162 voters under Minnesota Statute 410.12 subd 1 - 4. If there is a general election scheduled to
163 occur within six months, the City Council shall have such an amendment prepared and placed on
164 the ballot at the municipal general election. Proposed charter amendments must be submitted at
165 least 17 weeks before the municipal general election. If no municipal general election is
166 scheduled to occur within six months, the City Council shall prepare the amendment and call a
167 special election within 99 days after the delivery of such amendment to the City Administrator.

168
169 **Method 3.** A number of voters equal to or greater than five percent of the total City of Mounds
170 View ballots cast at the last State general election may, by petition, require the Charter
171 Commission to review and request an amendment to the Charter which may then be submitted
172 by the Charter Commission under the same guidelines set forth under method 1 or 2 above.

173
174 **Method 4.** The City Council may propose an amendment by ordinance without the initial
175 request of the Charter Commission under Minnesota Statute 410.12 subd 5. Such an Ordinance
176 shall be submitted to the Charter Commission for review and the Charter Commission can by
177 request be granted an additional 90 days for review. After reviewing such proposed amendment,
178 the Charter Commission shall approve or reject the proposed amendment or suggest a substitute
179 amendment. The Council may submit to the people the amendment originally proposed by it or
180 the substitute proposed by the Charter Commission. The amendment only becomes effective
181 when approved by the voters.

182
183 Adopted: **January 29, 2019**

APPENDIX E

CHARTER COMMISSION ORIENTATION MATERIALS RULES OF PROCEDURE

I. Historical Perspective

The Laws of 1895 and 1899 provided cities the ability to adopt home rule charters and establish their own form of local government. Prior to that time all cities had to operate under a system established by statute unless special legislation provided a different system. The City of Rochester adopted a home rule charter by election in 1904. The Charter contained 17 chapters, 314 sections and was approximately 100 pages long. Much of the current language of the charter was present in the early versions. In addition, the charter had sections establishing a tax assessor, a justice of the peace, a condemnation process, a special assessment process, and a list of 83 specific powers held by the council. [Regulating the following: showmen; commercial nuisance abatement (tanneries, soap factories, stables, etc.); planning/zoning of stock yards, etc; form of building code; running at large of farm and domestic animals; placement of utility facilities; speed of horses, carts and vehicles; public drunkenness; vagrancy; fortune tellers; location of hitching posts; regulation of locomotives; ice cutting; cock fights and dog fights; fire protection; etc.]. Many of these areas were repealed as a result of obsolescence, preemption, judicial determinations, etc.

The current document was recodified in 1985. It is much more limited to the general operation of our city government, with specific regulations incorporated into the code of ordinances that can be accessed on the City's web-site. The current charter language authorizes the council to use any power provided by law under Minnesota Statutes Ch. 471 or to statutory cities.

II. Statutory Framework

Cities may operate either under a home rule charter or under the provisions provided for statutory cities. A home rule charter may only be adopted by election. The charter can be abandoned with the city becoming a statutory city, or a new charter can be adopted in the same manner in which a charter is first adopted.

III. Membership / Terms

Charter commissions are created under statutory authority and members are appointed by the district court to serve four year terms. The court has the authority to determine the number of commission members, the limits being from 7 to 15 members. The commission must meet at least once per year. The initial commission is charged with the duty of determining the desirability of a charter and the form of government if a charter is desired. No specific duties are designated for a commission after adoption of the charter.

The commission is authorized to make such changes are deemed appropriate and to act on behalf of citizen petitions.

IV. Amendments

State law provides the several processes available for charter amendment.

1. Election (special or general), either upon request of the charter commission, petition of the public (5% of votes cast in the previous state election in city), or upon request of council after referral to commission for review. The governing body establishes the "form of the ballot."
2. Ordinance adopted by council after recommendation by charter commission. Adoption under this method requires unanimous vote of the council after a public hearing. Amendment by ordinance is not effective until 90 days after publication. Public has 60 days in which file a petition objecting to the amendment. The petition must be signed by the lesser of 2,000 or 2% of votes cast in the last state election in the city.

V. Procedures

1. Meetings
 1. Meetings are generally held the second Tuesday of each odd-numbered month beginning at 4:30 p.m. in a designated room in City Hall.
 2. At least one meeting per year must be held.
 3. Special meetings may be called by the President or at the request of at least 2 members of the Commission. The secretary shall notify all members of the Commission by any means not less than two days in advance of such special meeting.
 4. Agenda items should be submitted to the City Attorney advisor at least 10 days prior to a scheduled meeting.
 5. Agendas are sent out on Tuesday or Wednesday of the week prior to the meeting.
 6. Annually, the City Attorney's office will send a memo to all city departments asking whether they have any issues to come before the Charter Commission.
2. Agenda
 - A. Administrative Business
 - a. Call Meeting to Order
 - b. Recording of Attendance
 - c. Approve Minutes
 - d. Set Order of Agenda
 - e. Communications

- B. Open Comment Period
- C. Committee Reports
- D. Unfinished and Deferred Business

- E. New Business
 - a. Public Hearings

- F. Other Business – as may be brought up by members

- G. Adjourn

3. Meeting Procedures

- a. Unless otherwise specifically designated, Robert's Rules of Order, as most recently revised, shall govern meeting procedure; insofar as possible.
- b. A quorum shall consist of a simple majority of all commission members.
- c. All voting shall be by voice vote or by a show of hands and the result of the voice or hand vote shall be kept as part of the minutes. Any matter before the Commission that does not get either four affirmative or four negative votes shall be considered tabled until the next regular Commission meeting.
- d. No binding or final action may be taken on any matter not on the written agenda except by a unanimous vote of the members in attendance.
- e. A tabling motion has the effect of laying the matter over until the next regular meeting unless otherwise specified.
- f. Whenever a Commission member shall have a direct or indirect personal or financial interest, in an application or petition before the Commission, such member shall declare such interest and shall not participate as a member of the Commission in any hearing, discussion or deliberations of such matter, and shall in no event vote on such matter. When there is a question on the existence of a conflict of interest, the President shall make a ruling thereon.
- g. The Commission may temporarily suspend its rules by a 2/3 vote of members in attendance.

4. Public Hearings

- a. In addition to those required by law, the Commission may hold public hearings when it decides that such hearings will be in the public interest.
- b. Notice of the time, place and purpose of such hearing shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the Commission at least 10 days prior to the hearing.

5. Public Hearing Procedure

- a. The purpose of holding a public hearing is so the views of the citizens affected are known to the Commission in order to assist the Commission in its decision.
- b. The President shall announce the commencement of the public hearing.
- c. The name of the speaker and the nature of the issue shall be read aloud.

- d. The staff report and recommendation, if any, shall be presented at the discretion of the President.
 - e. The speaker or the speaker's representative shall be heard and may present exhibits or other evidence.
 - f. Anyone desiring to speak on the issue shall be heard.
 - g. The President shall verbally acknowledge any communication received by mail pertaining to the issue and, at his/her discretion, admit it as part of the record.
 - h. The public hearing shall be closed.
 - i. A record shall be kept of those speaking before the Commission at such public hearings.
 - j. While the foregoing order of procedure is intended to establish the general rules for the conduct of a public hearing before the Commission, it should be understood that all public hearings before the Commission will be informal in nature witnesses shall not be sworn or testify under oath, formal rules of evidence shall not apply, and any procedure which gives the opportunity to present all facts, evidence, and exhibits relevant or material to the hearing, shall suffice.
6. Open Comment Period
- a. The audience member must be recognized by the President.
 - b. The audience member must come forward, state their name, address, and the issue they wish to make a statement on.
 - c. The time cannot be used to continue a discussion on an agenda item that has already been held or is scheduled as a public hearing.
 - d. This agenda section is limited to 15 minutes and each speaker is limited to 2 minutes unless waived by a 2/3 vote of the Commissioners present.
 - e. Any speakers not having the opportunity to be heard will be first to present at the next Commission meeting.
 - f. Matters currently tabled, in negotiation or litigation will not be discussed in this forum.
 - g. Matters related to personnel will not be discussed in this forum.
 - h. Questions posed by a speaker will generally be responded to in writing unless the Commission or staff can adequately answer the question at the meeting.
 - i. The issue to be addressed must not have been previously addressed at a Commission meeting or open forum.
 - j. The Commission shall not debate or discuss other than to decide how to handle the request or question. Where the Commission decides a response is necessary it may place the issue on the agenda for one of the next regularly scheduled meetings

VI. Staff

- 1. Staff support is provided by the City Attorney's office.

2. Logistics such as reserving meeting space is provided by administrative support staff within the City Attorney's office.

VII. Charter / State Law - Interplay

Actions of the Charter Commission are subject to the Laws of the State of Minnesota and judicial order.

Rosenberg's Rules of Order:
Simple Parliamentary
Procedures for the 21st Century



MISSION:

To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION:

To be recognized and respected as the leading advocate for the common interests of California cities.



About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *Western City* magazine.

About *Western City* Magazine

Western City is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerncity.com.

"Rosenberg's Rules of Order" first appeared in *Western City* magazine in August and September 2003.

About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

- 1. Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

- 2. Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.

- 3. Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.

- 4. Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct.

The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then the “nays” is normally sufficient. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days’ notice for all future meetings of this governing body.”

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member’s desired approach with the words: “I move ...” A typical motion might be: “I move that we give 10 days’ notice in the future for all our meetings.”

The chair usually initiates the motion by:

1. Inviting the members to make a motion: “A motion at this time would be in order.”
2. Suggesting a motion to the members: “A motion would be in order that we give 10-days’ notice in the future for all our meetings.”
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn.

This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If you are running the British Parliament, Robert's Rules of Order is a dandy and quite useful handbook.

motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

lege relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

SKU 1533

\$5.00

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RESOLUTION ESTABLISHING THE RULES OF PROCEDURES OF THE CITY COUNCIL

**BE IT RESOLVED BY THE SHOREVIEW CITY COUNCIL THAT THE RULES
OF COUNCIL PROCEDURES ARE HEREBY ESTABLISHED AS FOLLOWS:**

1.1 MEETINGS:

- 1.11 Regular. The City Council shall hold regular meetings on the first and third Mondays of each month at 7:00 P.M., provided that when the day fixed for any regular meeting falls on a day designated by law as a legal holiday, such meeting shall be held at the same hour on the next day succeeding day not a holiday.

The City Council may also designate the second and fourth Mondays of each month as special or workshop meetings to be held at 7:00 P.M. for the purpose of considering other business as City Council directs.

- 1.12 Special. The Mayor or any two Members of the Council by notice filed with the City Manager at least twenty-four hours before such meeting may call a special meeting. Notice of such meeting shall state the purpose or purposes thereof and shall be personally delivered to each member or be left at the member's usual place of residence with a person of suitable age and direction then residing therein, or written notice thereof shall be left in a conspicuous place at the residence if no such person can be found there. The notice shall be delivered at least one day before the meeting time designated on the notice.
- 1.13 Place. All meetings shall be held in the Council Chambers at City Hall unless there is a published notice designating another location.
- 1.14 Official Newspaper. The Council shall designate an Official Newspaper at the first meeting of each year for use for legal publication of notice of meetings, public hearings and public meetings.
- 1.15 Presiding Officers. The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. (In the absence of both the Mayor and the Acting Mayor, the Council Members shall elect one of their members as temporary chair.)
- 1.16 Quorum. Three members of the Council shall constitute a quorum at any meeting of the Council. No official action may be taken without a quorum.
- 1.17 Order of Business. At the appointed hour for the meeting, the Mayor or designee shall call those present to order. The City Manager shall call the

roll, note the absentees and announce whether a quorum is present. In the absence of the City Manager, the Mayor shall appoint a secretary pro tem. Upon the appearance of the quorum, the Council shall proceed to business, which shall be conducted in the following order:

- A. Call to Order
 - 1. Roll Call
 - 2. Approval of Agenda
 - 3. Proclamations and Recognitions
- B. Citizens Comments
Council Comments
- C. Consent Agenda
- D. Public Hearings
- E. General Business
- F. Staff and Consultant Reports/Recommendations
- G. Special Order of Business
- H. Adjournment

2.1 **CONSENT AGENDA:**

The City Manager shall prepare a consent agenda for each regular meeting. The consent agenda shall contain routine, non-controversial items, which require little or no Council deliberation. Items to be placed within the consent agenda include the setting of dates and times for hearing, routine licenses, approval of vouchers, approval of specifications, reapportionment of assessments and other items (which in the judgment of the City Manager are of a routine or non-controversial nature). The City Manager may place an item normally found in the consent agenda under Council Action Items if an explanation or Council discussion is required.

No item in the consent agenda may be debated, and the motion to approve the consent agenda shall not be debatable. Prior to entertaining a motion to approve the consent agenda, the Mayor or presiding officer shall ask whether any Council Member desires an item to be removed from the consent agenda. Any Council Member who removes an item from the consent agenda by means of a non-debatable request to the Chair shall automatically become the last item prior to adjournment. If more than one item is removed, they shall be placed in the order they are found on the consent agenda.

3.1 **AGENDA:**

All matters to be submitted to the Council shall be filed not later than 12:00 Noon of the Tuesday prior to the Monday Council meeting at which consideration is desired, and shall be delivered to the City Manager. In unusual circumstances and when the matter does not require investigation, an item may be accepted after the deadline upon the approval of the City Manager.

No item of business shall be considered by the Council which does not appear on the agenda for the meeting. One exception is that of Council action arising from concerns presented in Citizen Comments, which cover non-agenda items.

The Mayor and each Council Member shall be provided with a copy of the agenda as far in advance of the meeting as time for preparation will permit.

No matter may be submitted for Council action by any administrative official, department head or employee unless it has first been presented to the City Manager for inclusion on the agenda.

4.1 **MINUTES:**

The City Manager shall keep a record of all Council meetings.

Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if each member has previously been provided with a copy.

At the time the minutes are submitted for approval, the Council may by motion carried by majority vote amend the minutes. Such amending motion shall become a part of the minutes of the subsequent meeting.

5.1 **DUTIES OF THE PRESIDING OFFICER:**

The presiding officer shall preserve strict order and decorum at all meetings of the Council; shall state every question coming before the Council; announce the decision of the Council on all subjects; and decide all questions of order. In questions of order, they shall be appealable to the Council, in which event a majority vote of the Council shall govern and conclusively determine such questions of order. The presiding officer may vote on all questions and on a roll call vote determine the order in which votes are cast.

The presiding officer may direct reports, letters, petitions, etc., to be placed into the record by stating "With the consent of the Council, I direct the letter (report, petition, etc.) be received and placed into the minutes."

6.1 **RULES OF DEBATE:**

- 6.11 Rule 1. The Mayor or other presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are by the rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council Member by reason of acting as the presiding officer.

- 6.12 Rule 2. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer shall be confined to the question under debate, avoiding all personalities and indecorous language.
- 6.13 Rule 3. A member, once recognized, shall not be interrupted when speaking unless it be for a call to order or to vote on a motion to close a debate, or as herein otherwise provided. A member, while speaking, when called to order, shall cease speaking until the question of order is determined and if in order shall be permitted to proceed.
- 6.14 Rule 4. Any Council Member may make a non-debatable request to not have a letter, report, petition, etc., received for inclusion in the minutes. When such request is made, the letter, report, petition, etc., may be formally received into the minutes only upon a majority vote of the Council.
- 6.15 Rule 5. A motion to reconsider any action taken by the Council may be made only at the meeting at which such action is taken or the next regular meeting. (It may be made either immediately during the same session, or at a recessed or adjourned session thereof.) Such motion must be made by one of the prevailing side, but may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor. The motion shall be debatable.
- 6.16 Rule 6. A Council Member may request, through the presiding officer, the privilege of having any abstract of any statement on any subject under consideration by the Council, or the reason for dissent from or support of any action of the Council, entered in the minutes. Unless the Council, by motion objects, such statements shall be entered in the minutes.
- 6.17 Rule 7. The City Manager may be directed by the presiding officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

7.1 **ADDRESSING THE COUNCIL:**

Any person desiring to address the Council shall first secure the permission of the presiding officer.

Each person addressing the Council shall, if requested by the presiding officer, give name and address in an audible tone for the record, and unless further time is granted by the presiding officer, shall limit remarks to three minutes. All remarks should be addressed to the Council as a body and not to any members. No person, other than 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

the permission of the presiding officer. No question shall be asked a Council Member except through the presiding officer.

8.1 **GENERAL RULES OF ORDER:**

Robert's Rules of Order Revised shall be accepted as an authority on parliamentary practice on matters not specifically covered and in case of a conflict these rules shall govern. The City Manager shall provide a copy of the parliamentary authority for use by the presiding officer and Council Members.

9.1 **VOTING:**

Silence shall be recorded as an affirmative vote unless a Council Member indicates as not voting.

A motion will be defeated unless there are three votes in favor of a motion, unless otherwise prescribed by law.

A motion with even number of votes for and against shall be declared as a negative motion.

10.1 **DECORUM AND ITS ENFORCEMENT:**

The Council Members, while the Council is in session, must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, not disturb any member while speaking, or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.

Members of the Ramsey County Sheriff's Department may be requested to attend meetings of the Council by the City Manager or any member of the Council. The deputies shall carry out all orders and instructions given by the presiding officer or by a majority of the Council present, for the purpose of maintaining order and decorum at the Council meetings. Upon instructions by the presiding officer or a majority of the Council, it shall be the duty of the deputy or those called to take necessary and appropriate action to restore order, including removal or arrest.

11.1 **ORDINANCES, RESOLUTIONS, MOTIONS AND REPORTS:**

Ordinances, resolutions and other matters or subjects requiring action by the Council shall be introduced or moved by a member of the Council, except that the City Manager or City Attorney may present ordinances, resolutions, and other matters or subjects for consideration by the Council.

Every ordinance and resolution shall be presented in writing and read in full at a Council meeting; provided however, that the reading of an ordinance or resolution

may be dispensed with by unanimous consent. Upon the vote on ordinances, resolutions and motions, the ayes and nays shall be recorded unless the vote is declared unanimous. Upon the request of any member of the Council, the vote shall be by roll call of all members of the Council as provided under Duties of the Presiding Officer of this resolution. A majority vote of all members of the Council shall be required for the passage of all ordinances, motions, and resolutions except as otherwise provided by law.

An emergency ordinance necessary for the immediate preservation of the public peace, morals, safety, or welfare in which the emergency is defined and declared, passed by a vote of at least four members of the Council, as recorded by ayes and nays. No prosecution shall be based upon the provisions of any emergency ordinance until the same has been filed with the City Manager or until the ordinance has been published, unless the person, persons, firms, or corporations charged with violations thereof shall have had notice of the passage thereof prior to the act or omission complained of.

All ordinances, resolutions and reports shall be filed with the City Manager and made a part of the minutes by reference.

12.1 **CONDUCT OF CITY EMPLOYEES:**

The City Manager may take part in the discussions of the City Council and may recommend to the Council such measures as are deemed necessary for the welfare of the people and efficient administration of the affairs of the City. The City Manager shall have all the rights, powers, and duties prescribed by Minnesota Statutes in regard thereto; however, it is recognized that the City Council is the policy making body for the City and the City Manager shall confine discussions at Council meetings to statements of fact, recommendations based upon knowledge and experience and explanations for the same, and any matters pertaining to administration.

The City Attorney may not take part in the discussion of the City Council except to answer questions so directed, comment on matters involving legal cases and procedure of the City and to present factual material to the Council.

No City employee, other than the City Manager and City Attorney, shall enter into the discussion of the City Council except to answer questions directed to such employee or to present factual information.

The above regulations of City employees shall not be construed to limit the appearance before the City Council of any City employee or member of the public, for or against some particular issue under discussion by the Council where such employee has an interest in the outcome thereof.

13.1 **WAIVER:**

By 4/5 consent of all Council Members these rules or parts thereof may be waived.

14.1 **ADJOURNMENT:**

A motion to adjourn shall always be in order and decided without debate.

15.1 **PUBLICATION AND AVAILABILITY OF RULES OF PROCEDURES:**

Council Rules of Procedures and changes as they occur shall be published in the official newspaper of the City. At least one (1) copy of the Rules of Procedures shall be made available to the public at all Council meetings.

16.1 **CHANGES OF RULES OF PROCEDURES:**

Rules of Procedures may be changed at any regular or special Council meeting provided publication of changes are published in the official newspaper of the City.