



City of Mayer

City Council Rules of Procedure

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1. Authority

- 1.1 Chapter 412 of Minnesota Statutes: The City of Mayer is established by and shall operate under Chapter 412 of Minnesota Statutes. The City Council shall conduct all meetings under the Standard Code of Parliamentary Procedure. In addition, the following set of rules shall be in effect upon their adoption by resolution and until such time as they are amended or new rules adopted in the manner provided herein. The City Code and State Statutes shall take precedence in the event of a conflict with these Rules of Procedure.

2. General Rules

- 2.1 Meetings to be Public: All official meetings of a quorum of the Council shall be open to the public with the exception of those executive sessions as allowed by law. The journal of Council proceedings (minutes) shall be open public inspection in accordance with the City Code and State Statute.
- 2.2 Rules of Order: “The Standard Code of Parliamentary Procedure” shall be accepted as the authority on parliamentary procedure on matters not specifically covered by these rules.
- 2.3 Quorum: A majority of the members of the Council shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.
- 2.4 Journal of Council Proceedings: An account of all proceedings of the Council shall be kept by the City Clerk, and shall be entered in a book constituting the official minutes of the Council. The journal of Council proceedings shall herein be referred to as the minutes.

The minutes of each meeting shall be reduced to typewritten form and copies. At the next regular meeting the Council shall approve of the minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the Council shall vote upon the acceptance of the minutes as presented. Upon approval the minutes shall be signed by the presiding officer and attested to by the City Clerk.

- 2.5 Right to Floor: Any member desiring to speak shall be recognized by the presiding officer, and shall confine their remarks to one subject under consideration or to be considered.
- 2.6 Mayor: The Mayor shall be a member of the Council and preside over its meetings, and shall have the same rights, duties and responsibilities as do other Council members.

- 2.7 City Administrator: The City Administrator shall attend all meetings of the Council unless excused. The Administrator may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote, in accordance with the City Code.
- 2.8 The City Clerk The City Clerk shall keep the official minutes and perform such other duties as may be requested by the Council and the City Code. The Clerk is not a member of the Council, and therefore, cannot vote or participate in council proceedings. The Clerk shall be responsible for the mechanical recording of Council meetings, which shall be kept in accordance with General Records Retention Schedule for Cities.
- 2.8 City Attorney: The City Attorney shall attend meetings when requested by Council or City Administrator, give an opinion, either written or oral, on questions of law in accordance with the City Code. The City Attorney shall respond to all questions of the Council regarding parliamentary procedure.
- 2.9 Employees: City department heads and staff shall attend meetings of the City Council upon request of the City Councilor City Administrator. This shall not limit the appearance of any City employee before the Council when such appearance is made as a resident or a member of the public.

3. Council Meetings

- 3.1 Organizational Meeting: The Council shall hold its first meeting of the year on the first Monday in January, unless another day during the first week is designated. The order of the day shall include:
1. Affirm Council meeting dates of the year;
 2. Designate official newspaper of the City;
 3. Designate official depositories of the City;
 4. Appointment of Mayor Pro Tem by the Mayor in accordance with State Statutes;
 5. Appointment of such Officers and Employees and such members to Committees, as may be necessary.
- 3.2 Regular Meetings: The Regular Council Meetings are to commence at 6:30 p.m. on the second and fourth Monday of each month, in accordance with City Code, unless the day fixed for any regular meeting falls upon a day observed by the Council as a legal holiday, such meeting shall be held at the same hour and location on the next succeeding business day, unless another day is designated in advance. The Council shall meet in the Council Chambers unless another location is designated in advance by the Council.
- 3.3 Special Meetings: Special meetings may be called by the Mayor or by any two members of the Council. This call must be in writing and filed with the City Administrator. The City Administrator then must mail notice to all Council members, setting forth the date, time, place and purpose of the meeting. This

notice must be mailed at least one day before the meeting. Notice of the date, time, place and purpose of the meeting shall be posted on the principal bulletin board at the Municipal Center. In addition, notice must also be mailed or otherwise delivered to those people that have filed written request to receive such notice. As an alternative to mailing notice to these people, notice can be published in the official newspaper at least three days in advance.

3.4 Emergency Meetings: The Mayor or any two Council members may call an emergency meeting when circumstances require the immediate consideration of the Council. Notice may be in writing personally delivered to Council members or may be in the form of personal telephone communications. Notice must include the date, time, place, and subject of such meeting. Where practical, the City Administrator shall make an effort to contact news-gathering organizations that have filed a request to receive notice of special meetings.

3.5 Open Meeting Exceptions: The open meeting law is designed to favor public access. Therefore, the few exceptions that do exist are carefully constrained to avoid abuse.

A. Labor Negotiations

The City Council may, by majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation developments or discussion of labor negotiation proposals. The Council must announce the time and place of the closed meeting at the public meeting.

After the closed meeting , a written record of all members of the City council and all other people present must be available to the public. The council must tape-record the proceedings at city expense, and preserve the tape for two years after signing the contract. The tape-recording must be available to the public after all labor contracts are signed for the current budget period.

If someone claims the council conducted public business other than labor negotiations at the closed meeting, a court must privately review the recording of the meeting.

B. Not Public Data

First, a meeting may be closed in some circumstances pursuant to the Data Practices Act. This general rule is that meetings cannot be closed to discuss data that is not public data.

Any portion of a meeting, however, must be closed if expressly required by other law or if the following types of data are discussed:

- Data that would identify victims or reporters of criminal sexual conduct; domestic abuse, or maltreatment of minors or vulnerable adults;

- Active investigative data created by a law enforcement agency, or internal affairs data relating to allegations of law enforcement personnel misconduct; and,
- Educational, health, medical, welfare, or mental health data that are not public data.

Data that is not public data may be discussed at an open meeting without liability or penalty if the disclosure relates to a matter within the scope of the public body's authority and is reasonably necessary to conduct the business or agenda item before the public body. The public body, however, should make reasonable efforts to protect the data from disclosure. Data discussed at an open meeting retain their original classification, however, a record of the meeting shall be public.

C. Misconduct Allegations or Charges

A public body must close one or more meetings for "preliminary consideration" of allegations or charges of misconduct against an individual subject to its authority. If the members conclude discipline of any nature may be warranted, further meetings or hearings relating to the specific charges or allegations and held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

D. Performance Evaluations

A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body must identify the individual to be evaluated prior to closing the meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

E. Attorney-Client Privilege

A meeting may be closed if permitted by the attorney-client privilege. For example, a council may close a meeting to discuss a litigation strategy when a lawsuit has been commenced. However, it is not clear under what circumstances a council may close a meeting to discuss litigation strategy for pending or threatened litigation. In order to determine whether the attorney-client privilege exception to the open meeting law applies, the courts will balance the purposes served by the attorney-client privilege against those served by the open meeting law. Because the open meeting law was enacted for public benefit, the courts construe it in favor of public access. When a public body is deciding a matter within its jurisdiction, the threat that litigation might be a consequence of deciding the matter one way or another and does not, by itself, justify closing the meeting. Thus, the invocation of the attorney-client privilege before a substantive decision is made on a public issue before the city is fraught with peril. The city

may not abuse this privilege to suppress public observation of the decision-making process. It is clear that the privilege does not extend to the governing body's request for general legal advice or opinion.

- 3.6 Penalties: Any person who intentionally violates the open meeting law is subject to personal liability in the form of a civil penalty up to \$300 for a single occurrence. The public body may not pay the penalty. A court may take into account a councilmember's time and experience in office to determine the amount of the civil penalty.

Technical violations of the law that are not willful or deliberate may not result in penalties.

If a person is found to have intentionally violated the open meeting law in three or more actions involving the same governing body, that person must forfeit any further right to serve on the governing body or in any other capacity with the public body for a period of time equal to the term of office the person was serving.

Three separate adjudications are not necessary. Rather, one adjudication of three separate, unrelated and intentional violations is sufficient for removal under the statute.

Note: Wording in sections 3.5 Open Meeting Exception and 3.6 Penalties is from the League of MN Cities Handbook.

- 3.7 Adjournment: A motion to adjourn shall always be in order and decided without debate.
- 3.8 Attendance of Media: All official meetings of the City Council and its committees, except executive sessions, shall be open to the media, subject to preservation of order and decorum to be determined by the presiding officer.

4. Presiding Officer and Duties

- 4.1 **Presiding Officer:** 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 City Administrator shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their members to act temporarily as presiding officer. Upon arrival of the Mayor or Mayor Pro Tem, the presiding officer shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The presiding Officer may make motions, second motions, or speak on any question, except that on demand of any Council member the presiding officer shall vacate the chair and designate a Council member to preside temporarily.
- 4.2 **Call to Order:** The meetings of the Council shall be called to order by the presiding officer.
- 4.3 **Preservation of Order:** The presiding officer shall preserve order and decorum at all meetings of the Council, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion.
- 4.4 **Points of Order:** The presiding officer shall determine all points of order, subject to the right of any member to appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order.
- 4.5 **Questions to be Stated:** The presiding officer shall state all questions submitted for a vote and announce the results.

5. Agendas and Order of Business

- 5.1 **Agendas:** The Administrator shall prepare an agenda of business for each regular Council meeting and file a copy in the office of the Administrator not later than 3 days before the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Council member and to requesting parties as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting, or is approved for addition to the agenda by a unanimous vote of the Council members present.

All reports, communications, ordinances, resolutions, contract documents or other matters submitted to the Council shall be filed not later than 12:00p.m. on the Thursday prior to the Monday Council meeting at which consideration is desired, and shall be delivered to the City Administrator for inclusion in the proper order of business on the agenda.

- 5.2 **Order of Business:** The general rule as to the order of business in regular meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Additions or Corrections to the Agenda
4. Approve Minutes
5. Consent Agenda
6. Staff Reports
7. Old Business
8. New Business
9. Announcement
10. Public Comment
11. Adjournment

5.3 Varying of Order: The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of the hearing.

5.4 Consent Agenda: The City Administrator may place certain items of business on a “consent agenda” which are deemed to be routine and non-controversial in nature. Any member of the Council may remove any item from the consent agenda at the time that the consent agenda is reached on the general Council agenda. Any items removed from the consent agenda shall become one of the regular agenda items of the meeting and shall be considered in its normal sequence on the agenda. All items not so removed from the consent agenda may be passed by a single, non-debatable motion.

6. Ordinances, Resolutions and Motions

6.1 Preparation of Ordinances: All ordinances shall be prepared by the City Attorney upon request of the Council, City Administrator or by the City Attorney’s own initiative.

6.2 Ordinances: Confined to One Subject; Exceptions: No Ordinance except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinance, shall relate to more than one subject, which shall be clearly stated in its title.

6.3 Introducing for Passage and Approval: Ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced by a member of the Council, except that the City Administrator may present ordinances, resolutions and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

6.4 Reading by Title Only: Upon being introduced, each proposed ordinance or resolution shall be read by title only, unless any member of the Council requests a full reading of the ordinance.

- 6.5 Vote Required: Except as otherwise provided by Minn. Stat., all legislation shall be by ordinance, resolution or motion. The Aye and Nay vote on ordinances, resolutions and motions shall be recorded. A roll call vote shall be taken upon the request of any member. An affirmative vote of a majority of all the Council members shall be required for the passage of all ordinances, resolutions and motions.
- 6.6 Silence Constitutes Affirmative Vote: Silence shall be recorded as an affirmative vote, unless a member of the Council announces they are abstaining from voting.
- 6.7 Signing and Publications: Every ordinance and resolution passed by the Council shall be signed by the presiding officer, attested by the City Clerk, and filed by the Clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.
- 6.8 Repeals and Amendments: Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.
- 6.9 Motions, Petitions, and Communications: Every motion shall be stated in full before the presiding officer submits it to a vote and shall be recorded in the minutes. Every petition or other communication addressed to the Council shall be in writing and shall be read in full upon presentation to the Council unless the Council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the City Clerk.

7. Committees, Boards and Commissions

- 7.1 Creation of Committees, Boards and Commissions: The Council may create committees, boards, and commissions to study, advise and make recommendations on such topics as the Council may specify.
- 7.2 Membership and Selection: Membership and selection of members shall be as provided by the council and in accordance with the City Code or Minn. Stat. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. Notwithstanding applicable provisions of the City Code or Minn. Stat., no committee, board or commission shall have powers other than advisory to the Council.
- 7.3 Removal of Members: The Council may remove any member of any committee, board or commission which it has created or as created by the City Code or Minn. Stat. by a majority vote. Removal will be in accordance with established policies.
- 7.4 Referral and Reports: Any matter brought before the Council for consideration may be referred by the presiding officer to the appropriate committee or to a special committee which the presiding officer appoints, for a written report and recommendation before it is considered by the Council as a whole. A majority of the members of the committee shall sign the report and file it with the City Administrator prior to the Council meeting at which it is to be submitted. Minority reports may be submitted. Each committee shall act promptly and faithfully on any matter referred to it.

8. Citizen's Rights

- 8.1 Addressing the Council: Any person desiring to address the Council by oral communication shall first secure the permission of the presiding officer. Preference will be given to those persons who have notified the City Administrator, by 12:00 p.m. on the Thursday prior to the Monday Council meeting, their desire to speak in order that their name may be placed on the agenda and they will be recognized by the presiding officer without further action. Each person addressing the Council shall stand before the podium and give his/her name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body, and not to any member thereof. No person, other than members of the Council, the City Administrator, and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Council members or the City Administrator, except through the presiding officer. Individuals or groups not on agenda will be allowed to speak for 3 minutes at the end of the agenda, but no action will be taken on anything presented. At anytime profanity, or inappropriate comments are made to the Council the Citizen maybe asked to leave the Council Chambers. The matter maybe referred to law enforcement for further action.
- 8.2 Time Limit for Addressing the Council: Citizens addressing the Council shall limit their address to three minutes, exclusive of time taken to answer questions from any member of the Council or staff, unless further time is granted by the Council. Each speaker may yield part of his or her three minute time allotment to another speaker.

9. Suspension or Amendment of Rules

- 9.1 Suspension or Amendment of Rules: These rules may be suspended or amended only by a two-thirds vote of the members present and voting.