

CITY OF ROCHESTER

RULES OF PROCEDURE AND CODE OF CONDUCT OF CITY COUNCIL

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ARTICLE 1: Rules of Procedure

Rule 1. Meetings

- A. **Regular Meeting.** Regular meetings of the city council shall be held at 7:00 p.m. on the first and third Monday of every month in the city council chambers unless otherwise noticed. If the first or third Monday falls on a city holiday or Christmas Eve or New Year's Eve, the regular meeting shall be held at 7:00 p.m. on the next Wednesday.
- B. **Work Session Meetings.** Work session meetings may be scheduled by the city council as needed. Beginning January 1, 2019, Work session meeting shall be held in council chambers.
- C. **Special Meetings.** A special meeting, or any change in the time or location of a regular meeting, may only be called by the mayor, council president or any two council members by notifying the city clerk. The city clerk shall notify each member of the council and notice the meeting pursuant to state and municipal law.
- D. **Quorum.** Four council members shall be a quorum for the transaction of business, but in the absence of a quorum, the members present may adjourn the meeting to a later date.
- E. **Telephonic Attendance at Meetings.** Any member of council may attend a meeting telephonically subject to the following conditions.
 - 1. The presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines that an in-person meeting is not practical or prudent because of a health pandemic or an emergency declared;
 - 2. All members of the city council participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;
 - 3. Members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration;
 - 4. At least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and
 - 5. All votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Rule 2. Presiding Officer

- A. **Conduct of Meeting.** The presiding officer at all meetings of the council shall be the councilmember-at-large, also known as the council president, and, in the council president's absence, the presiding officer shall rotate as follows: ward one councilmember January and July, ward two councilmember February and August, ward three councilmember March and September, ward four councilmember April and October, ward five councilmember May and November, ward six councilmember June and December. The presiding officer shall conduct the business and deliberations of the council under these rules. Specifically the presiding officer shall:

1. Preserve order and decorum in the council chambers;
 2. Observe and enforce all rules adopted by the council for its government;
 3. Decide all questions on order, in accordance with these rules;
 4. Recognize members of the council in the order in which they request the floor. No member shall be recognized and given the floor to speak on the same matter more than once until after all other members of the council have had an opportunity to be recognized and be heard.
 5. Retain the authority during public comment to determine whether a speaker's remarks fail to comply with these rules or exceed the scope of the designated forum. The presiding officer shall have the authority to suspend such person's right to speak, subject to the council's right to overrule such decision.
- B. Duties of the council president. The council president serves as the presiding officer of the city council.
- C. Absence of Mayor. In the absence of the mayor the council president shall be the acting mayor and shall have all powers of the mayor, except the power to veto.

Rule 3. Remarks and Debate

- A. Speaking to the Motion. Council member remarks are limited to a total of eight minutes on each agenda item. Council members may forfeit their time to speak to another council member, this can be done without a vote. For purposes of this section asking questions of staff members, applicants or the public are not included in the number and time of speaking limitations.
- B. Interruption. No member of the council shall interrupt or argue with any other member while such member has the floor.
- C. Courtesy. Members of the council are reminded, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and demeanor and shall not engage in disorderly behavior, or make personal comments, derogatory remarks or insinuations in respect to any other member of the council, staff or public.
- D. Discipline. If a member of the council violates these rules, the presiding officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. Any other member of the council may, under a point of order, call the presiding officer or other member to order. Additional discipline may include, but is not limited to, a verbal admonition, public reprimand, and expulsion from the meeting at which the conduct is occurring.
- E. Challenge. Any member of the council shall have the right to challenge any action or ruling of the presiding officer, or member, in which case the decision of the majority of the members of the council present, including the presiding officer, shall govern.
- F. City Staff. The city administrator and city attorney or their designees shall have the right to enter into a discussion of any matter coming before the city council. Other city staff may enter into a discussion through the city administrator or designee or when asked a direct question by a member of the council.

Rule 4. Order of Business

A. Order of Business. The order of business shall be as follows:

1. Pledge of Allegiance
2. Open Comment Period
3. Call to Order/Roll Call
4. City Administrator Report
5. Mayor Report
6. Order of Agenda
7. Consent Agenda
8. Reports and Recommendations
9. Public Hearings
10. Council Initiated Actions
11. Ordinance Readings
12. Tabled Items
13. Other Business
14. Adjournment

B. Consent Agenda. All matters listed under consent agenda are considered to be routine by the city council and will be voted by one motion. There will not be separate discussion of these items. City staff shall have discretion on what items are placed on the consent agenda.

Any council member may have any item removed from the consent agenda for separate consideration without a second or a vote before voting has finished on the consent agenda.

Rule 5. Motions

- A. Making a Motion. For an item to be brought to the floor a council member shall make a motion. Items shall be brought to the floor in the order of the agenda.
- B. Seconding a Motion. All motions must receive a second for action, except for a call for nominations, withdrawing a motion, a request for a roll call vote, and a point of order. If a second is made, the presiding officer will state the names of the respective council members making and seconding the motion. If a motion does not receive a second, it dies.
- C. Amending a Motion. Any council member may move to amend a pending motion. No more than two amendments may be made to a pending motion. The last amendment made shall be voted on first.
- D. Postpone to a Certain Date. This motion is used to delay consideration of an item until a specified date.
- E. Postpone Indefinitely (Table). This motion is used to delay consideration of an item until an unspecified date.
- F. Point of Order. Any council member may raise a point of order at any time. A point of order means that the council member is asking for a ruling on whether the rules of procedure are being followed. The point of order shall first be made to the presiding officer for a ruling. The member may appeal the presiding officer's ruling to the council, which may affirm or overrule the presiding officer's ruling by a majority vote of the council

members present. A point of order directed to the presiding officer or council does not require a second and is not subject to amendment.

- G. Reconsideration. No motion to reconsider a vote shall be in order except by a council member who voted on the prevailing side during the same or next meeting. Any member of the council shall have the right to change their vote at any time before final action is taken.
- H. Discussion on the Motion. Council may discuss a pending motion only after the motion has been moved and seconded.
- I. Calling the Previous Question. Any council member may call a vote on the motion (Calling the "Previous Question"). If a council member calls the question, the presiding officer shall allow the council members that have not spoken to the motion one chance to speak. The presiding officer shall then call for a vote, after which a vote shall take place.
- J. Approval or Denial. If a motion is made to approve any application or other action where the council has a quasi-judicial matter before it, and the council does not approve the motion, one of the council members voting no shall make a motion to deny the application, citing at least one legal reason for the denial. A council member may ask the city attorney or other staff to assist them in stating the reasons for denial.
- K. No Opposition. If the presiding officers determines there is no opposition to a motion, the presiding officer may ask if there is any objection to the proposed action. If there is none, the presiding officer shall announce the result. In this situation the action shall be done by unanimous consent.

Precedence of Motions

- A. Precedence of Motions. When a question is under consideration, no motion shall be entertained except as follows, such motions having precedence in order as stated:
 - 1. To adjourn. (Not debatable.)
 - 2. To remove an item from the agenda.
 - 3. To lay on the table.
 - 4. To call the question.
 - 5. To postpone to a date certain.
 - 6. To amend.
 - 7. To substitute.
 - 8. To postpone indefinitely.
 - 9. Main motion.
 - 10. Motion to reconsider.

Rule 6. Suspension of Rules

No rule shall be suspended except by a two thirds vote of the council members present at the meeting. A motion to suspend a rule is not debatable. Vote on the motion to suspend may be by voice vote of the council, unless a member requests a roll call.

Rule 7. Ordinances

Reading of ordinances shall be deemed sufficient by the reading of a brief synopsis of the title of the ordinance. A full reading shall not be required unless requested by any council member and a majority vote of the council members present.

Rule 8. Robert's Rules of Order

Any questions of practice or procedure not provided for by these rules shall be governed by Robert's Rules of Order (newest revision).

Rule 9. Amending these Rules

Amendments to these rules shall be made by a resolution and shall require a two thirds super-majority vote by the council members present.

ARTICLE 2: Code of Conduct

CHAPTER 1. Roles and Responsibilities

1.01. Whole Council

The council as a whole is a policy making board and as such, it is not the duty of the council to administer the day to day operations of the city. Many items will come before council as required by city ordinance, but many issues are more discretionary in nature. It is important that the council and the city staff work together to differentiate between administrative duties which are relevant to staff, and those decisions which are of a policy-making nature and should come before council. All council members, including those serving as presiding officer, have equal votes. No council member has more power than any other council member, and all should be treated with equal respect.

1.02. Council President

In addition to Section 1.01, the council president presides over official council meetings.

1.03. Boards & Commissions Liaisons/Elections/Seating at Rostrum

1.03(A). The selection of liaison positions by council members to city boards and commissions and the selection of seating of council members at the rostrum are handled at the first meeting when a new council is seated. Council shall select the seating of council members at the rostrum prior to the selection of liaison positions by council members to city boards and commissions.

1.03(B). The selection of council members to liaison positions to city boards and commissions shall be by rotation of council members beginning with those council members with the most consecutive years of service as a council member then reverse the order for the next rotation until all liaison positions to all city boards and commissions have been filled. The priority of those members with equal years of consecutive service shall be determined by the lower number ward. Council members previously appointed to a board or committee because of their title by resolution, ordinance or state law may continue to serve on the board or committee.

1.03(C). The seating of council members at the dais shall be by council ward number. The council president shall be in the middle. The seat furthest to the right of the council president shall be the ward one representative with the ward two representative next.

1.03(D). A council liaison to a city board or commission should serve in an advisory capacity and as a point person to keep the council informed of the activities of the board or commission. The liaison should not attempt to influence the votes of city board and commission members and should only vote if the liaison is an official voting member. The position of an official voting member shall be identified in the introductory documents provided to the council member in the orientation material.

CHAPTER 2. Internal Council Conduct

It should be generally understood that the council exists to work in the interest of the public. The council should strive to work as a team in achieving the best outcome for the community. The council should conduct business in a civil, efficient and cooperative manner with other members of council and city staff. It is incumbent upon council members to listen to one another and give full opportunity for all viewpoints to be heard. All disagreements should be handled in a civil fashion.

2.01. City Staff and the Public

2.01(A). Public decision-making must be fair and impartial and shall not be discriminatory on the basis of those protected classes, outlined in federal, state, and city laws and ordinances. It is the policy of the City of Rochester that its elected officials and advisory board members 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, being a member of a local human rights commission, receiving public assistance and familial status, both internally and in the relationships of the elected officials and advisory board members with their constituencies.

2.02. Recording and Broadcasting Meetings

2.02(A). All regular business meetings and special business meetings of the city council are public meetings under the provisions of the Minnesota Statutes. Executive sessions of those meetings may exclude the public from attendance, provided that the statutory mandates are met in announcing the meetings and conformance with the requirements during the meetings has occurred. Minutes of all meetings of the city council are required to be made and retained by the city clerk. Minutes of regular business meetings and special business meetings, excluding the executive sessions, will be made available to the public following approval of the minutes by the council. Each of the council meetings is to be recorded, and the minutes are created from those recordings.

2.02(B). In addition to the recordings of the regular business meetings, there is a broadcast of the meetings, and a recording of those broadcasts. The broadcasts are transmitted in real time on the Public Access Channel over the cable television network provided in the city, and beyond. In addition to the live broadcast on the cable channel, a video recording of each meeting is made available to the public through the city's internet website. Each entire meeting is recorded as hereinafter specified.

2.02(B)(i). Regular Business Meetings and Special Business Meetings. Regular business meetings and special business meetings, including emergency meetings, shall be recorded from the opening of the meeting to adjournment. An interruption of the recording may occur during a recess to executive session. Further business may be conducted by the council following the executive session. The broadcast recording will follow the same time frame of recording.

2.02(B)(ii). Emergency Meetings. Audio recording of special meetings shall be made by the city staff unless such is not available due to emergency conditions. In the instance that recording is not available, written minutes of the meeting shall be made by the city clerk, or other available staff members.

2.02(B)(iii). Executive Sessions. Executive sessions of any council meeting shall be audio recorded by the city clerk, regardless of whether the clerk remains for the session or not. The recording shall be sealed by the city clerk and retained in the city clerk's records. Such recording shall be unsealed only upon receipt of a valid court order requiring the recordings to be unsealed. The order received shall be retained by the city clerk together with the recording.

2.02(B)(iv). Regular business meetings and work session meetings will be available to the public via video streaming.

2.03. Placing Items on the Business Meeting Agenda

2.03(A). Generally, the business agenda for each meeting will be generated by city administration, with the items being suggested by staff.

2.03(B). A council member may request an item be considered on a future agenda by submitting a council initiated action form to city administration, along with a second to the proposal by another council member. In order to allow sufficient time for council to review and city staff to research the matter, the request should be submitted at least ten days prior to the meeting for which the item is requested to be placed on the agenda. The requesting council member shall submit to the clerk within the ten day period all written material for submission to the council.

2.03(C). The mayor may request an item be considered on a future agenda by submitting a request to city administration at least ten days prior to the meeting for which the item is requested to be placed on the agenda under reports and recommendations. The mayor shall submit to the clerk within the ten day period all written material for submission to the council.

2.03(D). Any board or commission of the city may request an item be considered on a future agenda, under reports and recommendations, by majority vote of the board or commission. The staff person advising the board or commission shall work with the city administration to place the item on the agenda and shall submit all written material to the clerk at least ten days prior to the meeting.

2.04. Requesting Work Session

A council member may suggest an item or topic be presented in a work session meeting to acquire information. Such item shall be scheduled for a work session meeting provided a second to the proposal is received from another council member.

2.05. Travel Policy & Expenditure Guidelines

Council members shall be subject to the same travel policies and expenditure guidelines as city employees. .

CHAPTER 3. Council Conduct with City Staff

3.01. Direction to Staff for Projects

Direction is given to the city staff to pursue items that generally impact the public policy of the city by determining that there is little or no opposition during a work session, or through a direct binding majority vote of the body at a special or regular business meeting. Once direction is given to the city administrator in one of these ways, that individual shall determine who shall carry out the duty, or advise the council if the city needs additional city staffing to carry out the task. City staff, including the direct employees of the council (which are the administrator and attorney), are under no obligation to pursue items for only one council person. If a council member wishes to ask the city staff to work on an issue, they must have either received the consent of the council by determining that there is little or no opposition during a meeting or have a second on a motion to introduce legislation.

3.02. Requests for Information on Non-Agenda Items

City staff is hired to carry out the day to day business of operating the city. Council should keep this in mind when requesting information or asking to perform these functions. Generally, all interactions with staff members should flow through the city administrator. If a council member is asking for information from city staff that will require more than thirty minutes of city staff time to collect or research a problem, or prepare a response the request will need to be approved by city council to ensure that city staff resources are allocated in accordance with overall council priorities.

3.03. Interaction with Staff

It is not appropriate for council members to admonish city staff when disagreeing with the information brought forth for presentation to the governing body. Concerns should be taken up with the city administrator, and if there is deemed to be an issue that needs to be addressed by the whole council, it will be brought forth. In any event, there shall be no personal attacks on city staff.

CHAPTER 4. Council Conduct with the Public

4.01. Public Meetings

Making the public feel welcome is an important part of the democratic process. Handouts for the public on council meeting procedures, and guidelines for addressing city council, are outlined in Appendix A and B and shall be followed at all times. Recognizing that the actions of each council member impact the public perception of the whole council, council members shall strive to treat the public with respect.

4.02. Disruption of Public Meetings

Any member of the public will be allowed to appear and speak before the city council during the open comment period and during public hearings, subject to time limitations addressed in Appendix A, unless the member of the public disrupts or otherwise impedes the orderly conduct of any council meeting, hearing, or other proceeding of the council such as using threatening or obscene language, personal defamatory statements, indecent or threatening behavior, or violent actions. If, after receiving a warning from the presiding officer, a person persists in such conduct or otherwise disrupting the meeting, the presiding officer, pursuant to the rules adopted by council, may expel and direct the member of the public to leave the meeting. Any council member may appeal the order of the presiding officer and upon a majority vote of the council such order of the presiding officer may be set aside. Such vote is undebatable. Such person may be readmitted at a future meeting as long as there are not further disturbances or disruptions by such person at that public meeting. Nothing herein shall limit or restrain negative, positive or neutral comment about the manner in which an individual employee, officer, official or council member carries out the council member's duties in public office or employment.

4.02(A). To observe the order and decorum of city council meetings, the volume on all electronic devices including but not limited to cellular telephones, pagers or computers should be turned off or set to vibrate.

4.03. Written Public Comment

Interested parties, or their authorized representatives, may address the council through written communication with regard to any matter concerning city business or over which the council has control, or by addressing the city clerk, who shall distribute the written communication to council members. Written communication may also be submitted to the city council through electronic correspondence.

APPENDIX A

CITY OF ROCHESTER, MN COUNCIL MEETING PROCEDURES

WELCOME TO A MEETING OF THE ROCHESTER 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 Chamber, members of the council are seated at the rostrum and each has a nameplate for recognition. City staff members are seated on the side of the rostrum. The council meets the first and third Monday of each month at 7:00 p.m. in the Council Chamber and holds work session meetings as needed, typically every Monday at 3:30p.m., as well as other meeting dates when required.

AGENDA FOR COUNCIL MEETINGS

Meeting agendas are available just prior to, or during the meeting, and are placed near the door to the Council Chamber. Copies may be picked up in the city clerk's office without charge or downloaded from the city's website.

COPIES OF AGENDA ITEMS

Agenda items may be downloaded from the city's website. Any writings distributed during a public meeting will also be available for public inspection at the meeting if prepared by city staff or a council member, or after the meeting if prepared by someone else.

PUBLIC PARTICIPATION

The council welcomes suggestions and comments which help meet the needs of the city and improve its operation, and also welcome questions which may clarify its responsibilities or its decisions. Set forth below are procedures for addressing the council. You may stand or raise your hand until recognized by the presiding officer. Please step to the lectern and microphone when addressing the council.

IDENTITY OF SPEAKERS

The presiding officer will ask each speaker to write the speaker's name on a sign-up sheet so they are correctly recorded in the minutes. The presiding officer will ask each speaker to state the speaker's name to introduce themselves before speaking.

SPECIAL PRESENTATIONS

Special presentations which include slides, films, etc., will be scheduled prior to the beginning of a council meeting. Arrangements must be made in advance with city administration at least one week prior to a meeting in order that the presentation may be noted on the agenda and advance notice provided to members of the council, news media and other interested persons. Special presentations during the course of a meeting will only be allowed with the prior approval of the council. Special presentations shall be limited to fifteen minutes in length.

WRITTEN MATERIAL

Any person providing written or other material to city council at a meeting shall provide the material to the city clerk, who will then disseminate the material to council members and staff as necessary and retain a copy for the official city records.

DISABILITY ACCOMMODATION

City council meetings are open to the public. Requests for accommodations from persons with disabilities must be made to the city administrator's office at least 24 hours in advance of a meeting. The city administrator's office may be reached at 507-328-2000. Anyone who has difficulty hearing the proceedings of a meeting may be provided with a portable listening device by requesting one from the city administrator's office. The device works directly from the public address system, and the listener can hear all speakers who are using a microphone. Anyone who is hearing impaired and requires the services of an interpreter to observe or participate in a meeting should contact the city administration office within seven days prior to the date of the meeting.

MICROPHONES

City council meetings are recorded and/or televised when held in the council chamber. In order for the audience to receive a clear audio signal, it is essential that members of the audience use the lectern microphone when addressing the council.

TIME LIMITS

The open comment section of the agenda is limited to 15 minutes and each speaker is limited to four minutes. The City Clerk shall place a sign-up sheet outside of the Council chambers and speakers will be asked to speak in the order they signed up to speak. If a speaker addresses the council during open comment period at the first meeting of the month, and wishes to speak at the second meeting of the month, that speaker shall be allowed to speak after the speakers who had not spoken at the prior meeting and their time shall be limited to two minutes.

For all open comments, the presiding officer shall monitor a timer. The timer will display a green light to start. The timer will change to yellow when the speaker has one minute left. The timer will display read when the speaker's time has expired.

Public hearings will start with the applicant presentation for up to ten minutes. Other speakers are allowed to speak once during the public hearing for five minutes. The applicant is provided a five minute rebuttal after all other members of the public have spoken.

ELECTRONIC DEVICES

To observe the order and decorum of city council meetings, the volume on all electronic devices including but not limited to cellular telephones, pagers or computers should be turned off or set to vibrate.

EXECUTIVE SESSION

A description of the items, if any, to be discussed in executive session will be listed on the agenda.

MINUTES

Official minutes of council meetings are prepared and kept by the city clerk and are reviewed and approved by the city council (usually at the next regular meeting). Copies of approved minutes are available at the city clerk's office or on the city's website.

APPENDIX B

GUIDELINES FOR ADDRESSING THE COUNCIL

1. Persons attending a city council meeting may address the council during the period of time specified on the agenda.
2. Presentations concerning agenda items will be heard only upon approval by the presiding officer.
3. An individual wishing to address the council should approach the lectern; wait to be acknowledged by the presiding officer to speak, and clearly state the speaker's name before making general remarks.
4. All remarks should be directed to the presiding officer. The presiding officer may wish to refer any questions to the proper council member or to city staff.
5. Productive public comments should not include threatening or obscene language, personal defamatory statements, or any disorderly conduct that impedes, disrupts or disturbs the orderly conduct of any meeting, hearing or other proceeding.
6. Large groups are encouraged to express their views through a single spokesperson rather than individually. Individuals should observe the time limit when speaking. The council may vote to suspend the rules and allow more time for a public comment upon a 2/3 vote.
7. Comment cards may be used for items when extensive public participation is anticipated. Individuals who wish to give comments should submit a completed card to the city clerk. The presiding officer will call the person forward when it is the speaker's turn to speak. If a person does not want to speak, a written statement can be submitted on a comment card.
8. To maintain order, applause or other unnecessary disturbances are not allowed unless permission is given by the presiding officer.
9. Petitions should be presented to the city clerk.
10. Members of the audience are encouraged to speak before the council during the designated times but they cannot make motions or otherwise participate in the meeting