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Posted: December 5, 2014

CRYSTAL CITY COUNCIL
WORK SESSION AGENDA

Tuesday, December 9, 2014
6:30 p.m.
Conference Room A

Pursuant to due call and notice given in the manner prescribed by Section 3.01 of the City Charter, the work session of the Crystal City Council was held at _____ p.m. on Tuesday, December 9, 2014 in Conference Room A located at 4141 Douglas Drive, Crystal, Minnesota.

I. Attendance

Council members	Staff
____ Deshler	____ Norris
____ Hoffmann	____ Therres
____ Libby	____ Revering
____ Peak	____ Norton
____ Selton	____ Serres
____ Adams	
____ Budziszewski	

II. Agenda

The purpose of the work session is to discuss the following agenda items:

- Discussion of Council rules – order of business
- City Manager evaluation* (CLOSED SESSION)

** Denotes no supporting information included in the packet.*

III. Adjournment

The work session adjourned at _____ p.m.

Auxiliary aids are available upon request to individuals with disabilities by calling the City Clerk at (763) 531-1145 at least 96 hours in advance. TTY users may call Minnesota Relay at 711 or 1-800-627-3529.

Memorandum

DATE: December 3, 2014

TO: Mayor and City Council

FROM: Anne Norris, City Manager

SUBJECT: Council Meeting Rules

At its December 2 meeting, the Council agreed to discuss possible changes to the Council meeting rules, specifically how agendas are set/approved and where open forum occurs on the agenda.

The current Council agenda is typically set by me, based on requests received, project and application deadlines and with input from the Mayor and councilmembers (I try to honor requests for timing of certain agenda items or if a councilmember is unable to attend a meeting when an issue of importance to them can be considered.)

Prior to several contentious Open Forum sessions earlier this year, the Open Forum section of the meeting was early on the agenda, before the regular agenda. After several disruptive sessions, the Open Forum section was moved to the end of the agenda so as not to disrupt routine Council business.

The current Council agenda order of business is:

Call to Order
Roll Call
Pledge of Allegiance
Proclamations/Special Appearances (when appropriate)
Council Meeting Minutes
Consent Agenda
Public Hearings
Regular Agenda
Open Forum
Information and Discussion
Adjournment

Section 200.09 of the City Code regarding Council rules states:

> 200.09. Council rules; presiding officer. The presiding officer must preserve order and decorum, decide questions of order, and conduct meetings in accordance with these rules. The city council is governed in its .procedure by the

provisions of chapters 2 and 3 of the city charter and Roberts Rules of Order (Newly Revised Edition) except where otherwise provided by the charter or by this chapter. The council may make and change its own rules from time to time by resolution duly adopted and any such changes supersede Roberts Rules of Order (Newly Revised Edition). The presiding officer may speak on any question being considered, and has the rights, privileges, and duties of any other member of the council. The presiding officer may temporarily yield the chair to introduce or second a motion, resolution or ordinance.

Councilmember Budziszewski presented a suggestion for adding "Approval of the Agenda" to the Council's order of business. City Attorney Mike Norton has advised me that if the Council wished to amend the current order of business, this is the type of rule change which the Council could enact by resolution. Mike suggests this could be appropriately inserted after the Pledge of Allegiance and prior to the Council beginning any of its business, if this is the direction from the Council.

City Attorney Mike Norton will be at the December 9 work session to answer questions on Roberts Rules or the Council's rules and procedures.

Attach:

December 2, 2014

Robert's Rules of Order: Proposed Procedural Change

For a proposed agenda to become the official agenda for a [council] meeting, it must be adopted by the [council] at the outset of the meeting. At the time that an agenda is presented for adoption, it is in order for any [councilmember] to move to amend the proposed agenda by adding any item that the member desires to add, or by proposing any other change.

It is wrong to assume, as many do, that the [mayor] "sets the agenda." It is common for the [mayor] to prepare a proposed agenda, but that becomes binding only if it is adopted by the [council] ...

Robert's Rules Online: RulesOnline.com

Robert's Rules of Order Revised, Fourth Edition, with Up-to-Date Annotations!

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PART I.

RULES OF ORDER.

Art. I. How Business Is Conducted in Deliberative Assemblies.

1. Introduction of Business
2. What Precedes Debate
3. Obtaining the floor
4. Motions and Resolutions
5. Seconding Motions
6. Stating the Question
7. Debate
8. Secondary Motions
9. Putting the Question and Announcing the Vote
10. Proper Motions to Use to Accomplish Certain Objects

What You Need to Know

For more information on how to use parliamentary procedure and for tools and tutorials that can be useful, go to **www.parlipro.org** .

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1. Introduction of Business. An assembly having been organized as described in **69**, **70**, **71**, business is brought before it either by the motion of a member, or by the presentation of a communication to the assembly. It is not usual to make motions to receive reports of committees or communications to the assembly. There are many other cases in the ordinary routine of business where the formality of a motion is dispensed with, but should any member object, a regular motion becomes necessary, or the chair may put the question without waiting for a motion.

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2. What Precedes Debate. Before any subject is open to debate it is necessary, first, that a motion be made by a member who has obtained the floor; second, that it be seconded (with certain exceptions); and third, that it be stated by the chair, that is, by the presiding officer. The fact that a motion has been made and seconded does not put it before the assembly, as the chair alone can do that. He must either rule it out of order, or state the question on it so that the assembly may know what is before it for consideration and action, that is, what is the *immediately pending question.* If several questions are pending, as a resolution and an amendment and a motion to postpone, the last one stated by the chair is the immediately pending question.

While no debate or other motion is in order after a motion is made, until it is stated or ruled out of order by the chair, yet members may suggest modifications of the motion, and the mover, without the consent of the seconder, has the right to make such modifications as he pleases, or even to withdraw his motion entirely before the chair states the question. After it is stated by the chair he can do neither without the consent of the assembly as shown in **27(c)**. A little informal consultation before the question is stated often saves much time, but the chair must see that this privilege is not abused and allowed to run into debate. When the mover modifies his motion the one who seconded it has a right to withdraw his second.

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3. Obtaining the Floor. Before a member call make a motion, or address the assembly in debate, it is necessary that he should *obtain the floor* -- that is, he must rise after the floor has been yielded, and address the presiding officer by his official title, thus, "Mr. Chairman," or "Mr. President," or "Mr. Moderator;"[1] or, if a woman (married or single), "Madam Chairman," or "Madam President." If the assembly is large so that the member's name may be unknown to the chairman, the member should give his name as soon as he catches the eye of the chairman after addressing him. If the member is entitled to the floor, as shown hereafter, the chairman "recognizes" him, or assigns him the floor, by announcing his name. If the assembly is small and the members are known to each other, it is not necessary for the member to give his name after addressing the chair, as the presiding officer is termed, nor is it necessary for the chair to do more than bow in recognition of his having the floor. If a member rises before the floor has been yielded, or is standing at the time, he cannot obtain the floor provided any one else rises afterwards and addresses the chair. It is out of order to be standing when another has the floor, and the one guilty of this violation of the rules cannot claim he rose first, as he did not rise after the floor had been yielded.

Where two or more rise about the same time to claim the floor, all other things being equal, the member who rose first after the floor had been yielded, and addressed the chair is entitled to the floor. It frequently occurs, however, that where more than one person claims the floor about the same time, the interests of the assembly require the floor to be assigned to a claimant that was not the first to rise and address the chair. There are three classes of such cases that may arise: (1) When a debatable question is immediately pending; (2) when an

undebatable question is immediately pending; (3) when no question is pending. In such cases the chair in assigning the floor should be guided by the following principles:

(1) *When a Debatable Question is immediately Pending.* (a) The member upon whose motion the immediately pending debatable question was brought before the assembly is entitled to be recognized as having the floor (if he has not already spoken on that question) even though another has risen first and addressed the chair. The member thus entitled to preference in recognition in case of a committee's report is the reporting member (the one who presents or submits the report); in case of a question taken from the table, it is the one who moved to take the question from the table; in case of the motion to reconsider, it is the one who moved to reconsider, and who is not necessarily the one who calls up the motion. (b) No member who has already had the floor in debate on the immediately pending question is again entitled to it for debate on the same question. As the interests of the assembly are best subserved by allowing the floor to alternate between the friends and enemies of a measure, the chairman, when he knows which side of a question is taken by each claimant of the floor, and these claims are not determined by the above principles, should give the preference to the one opposed to the last speaker.

(2) *When an Undebatable Question Is Immediately Pending.* When the immediately pending question is undebatable, its mover has no preference to the floor, which should be assigned in accordance with the principles laid down under (b) in paragraph below.

(3) *When No Question Is Pending.* (a) When one of a series of motions has been disposed of, and there is no question actually pending, the next of the series has the right of way, and the chair should recognize the member who introduced the series to make the next motion, even though another has risen first and addressed the chair. In fact no other main motion is in order until the assembly has disposed of the series. Thus, the motion to lay on the table, properly used, is designed to lay aside a question temporarily, in order to attend to some more urgent business, and, therefore, if a question is laid on the table, the one who moved to lay it on the table, if he immediately claims the floor, is entitled to it to introduce the urgent business even though another has risen first. So, when the rules are suspended to enable a motion to be made, the mover of the motion to suspend the rules is entitled to the floor to make the motion for which the rules were suspended, even though another rose first. When a member moves to reconsider a vote for the announced purpose of amending the motion, if the vote is reconsidered he must be recognized in preference to others in order to move his amendment. (b) If, when no question is pending and no series of motions has been started that has not been disposed of, a member rises to move to reconsider a vote, or to call up the motion to reconsider that had been previously made, or to take a question from the table when it is in order, he is entitled to the floor in preference to another that may have risen slightly before him to introduce a main motion, provided that when some one rises before him he, on rising, states the purpose for which he rises. If members, rising to make the above mentioned motions, come into competition they have the preference in the order in which these motions have just been given; first, to reconsider; and last to take from the table. When a motion to appoint a committee for a certain purpose, or to refer a subject to a committee, has been adopted no new subject (except a privileged one) can be introduced until the assembly has decided all of the related questions as to the number of the committee, and as to how it shall be appointed, and as to any instructions to be given it. In this case the one who made the motion to appoint the committee or refer the subject to a committee has no preference in recognition. If he had wished to make the other motions he should have included them all in his first motion.

From the decision of the chair in assigning the floor any two members may appeal,[2] one making the appeal and the other seconding it. Where the chair is in doubt as to who is entitled to the floor, he may allow the assembly to decide the question by a vote, the one having the largest vote being entitled to the floor.

If a member has risen to claim the floor, or has been assigned the floor, and calls for the question to be made, or it is moved to adjourn, or to lay the question on the table, it is the duty of the chair to suppress the disorder and protect the member who is entitled to the floor. Except by general consent, a motion cannot be made by one who has not been recognized by the chair as having the floor. If it is made it should not be recognized by the chair if any one afterwards rises and claims the floor, thus showing that general consent has not been given.

In Order When Another Has the Floor. After a member has been assigned the floor he cannot be interrupted by a member or the chairman, except by (a) a motion to reconsider; (b) a point of order; an objection to the consideration of the question; (d) a call for the orders of the day when they are not being conformed to; (e) a question of privilege; (f) a request or demand that the question be divided when it consists of more than one independent resolution on different subjects; or (g) a parliamentary inquiry or a request for information that requires immediate answer; and these cannot interrupt him after he has actually commenced speaking unless the urgency is so great as to justify it. The speaker (that is, the member entitled to the floor) does not lose his right to the floor by these interruptions, and the interrupting member does not obtain the floor thereby, and after they have been attended to, the chair assigns him the floor again. So when a member submitting a report from a committee or offering a resolution, hands it to the secretary to be read, he does not thereby yield his right to the floor. When the reading is finished and the chair states the question, neither the secretary nor any one else can make a motion until the member submitting the report, or offering the resolution, has had a reasonable opportunity to claim the floor to which he is entitled, and has not availed himself of his privilege. If, when he submitted the report, he made no motion to accept or adopt the recommendations or resolutions, he should

resume the floor as soon as the report is read, and make the proper motion to carry out the recommendations, after which he is entitled to the floor for debate as soon as the question is stated.

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1. "Brother Moderator," or "Brother Chairman," implies that the speaker is also a moderator or chairman, and should not be used.

2. In the U. S. House of Representatives there is no appeal from the decision of the chair as to who is entitled to the floor, nor should there he any appeal in large mass meetings, as the best interests of the assembly require the chair to be given more power in such large bodies.

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4. Motions and Resolutions. A motion is a proposal that the assembly take certain action, or that it express itself as holding certain views. It is made by a member's obtaining the floor as already described and saying, "I move that" (which is equivalent to saying, "I propose that"), and then stating the action he proposes to have taken. Thus a member "moves" (proposes) that a resolution be adopted, or amended, or referred to a committee, or that a vote of thanks be extended, etc.; or "That it is the sense of this meeting (or assembly) that industrial training," etc. Every resolution should be in writing, and the presiding officer has a right to require any main motion, amendment, or instructions to a committee to be in writing. When a main motion is of such importance or length as to be in writing it is usually written in the form of a *resolution*, that is, beginning with the words, "*Resolved*, That," the word "*Resolved*" being underscored (printed in italics) and followed by a comma, and the word "That" beginning with a capital "T." If the word "Resolved" were replaced by the words "I move," the resolution would become a motion. A resolution is always a main motion. In some sections of the country the word "resolve" is frequently used instead of "resolution." In assemblies with paid employees, instructions given to employees are called "orders" instead of "resolutions," and the enacting word, "Ordered" is used instead of "Resolved."

When a member wishes a resolution adopted after having obtained the floor, he says, "I move the adoption of the following resolution," or "I offer the following resolution," which he reads and hands to the chair. If it is desired to give the reasons for the resolution, they are usually stated in a *preamble*, each clause of which constitutes a paragraph beginning with "Whereas." The preamble is always amended last, as changes in the resolution may require changes the preamble. In moving the adoption of a resolution the preamble is not usually referred to, as it is included in the resolution. But when the previous question is ordered on the resolution before the preamble has been considered for amendment, it does not apply to the preamble, which is then open to debate and amendment. The preamble should never contain a period, but each paragraph should close with a comma or semicolon, followed by "and," except the last paragraph, which should close with the word "therefore," or "therefore, be it." A resolution should avoid periods where practicable. Usually, where periods are necessary, it is better to separate it into a series of resolutions, in which case the resolutions may be numbered, if preferred, by preceding them with the figures 1, 2, etc.; or it may retain the form of a single resolution with several paragraphs, each beginning with "That," and these may be numbered, if preferred, by placing "First," "Second," etc., just before the word "That." The following form will serve as a guide when it is desired to give the reasons for a resolution:

> Whereas, We consider that suitable recreation is a necessary part of a rational educational system; and
> Whereas, There is no public ground in this village where our school children can play; therefore
> *Resolved*, That it is the sense of this meeting that ample play grounds should be immediately provided for our school children.
> *Resolved*, That a committee of five be appointed by the chair to present these resolutions to the village authorities and to urge upon them prompt action in the matter.

As a general rule no member can make two motions at a time except by general consent. But he may combine the motion to suspend the rules with the motion for whose adoption it was made; and the motion to reconsider a resolution and its amendments; and a member may offer a resolution and at the same time move to make it a special order for a specified time.

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5. Seconding Motions. As a general rule, with the exceptions given below, every motion should be seconded. This is to prevent time being consumed in considering a question that only one person favors, and consequently little attention is paid to it in routine motions. Where the chair is certain the motion meets with general favor, and yet members are slow about seconding it, he may proceed without waiting for a second. Yet, any one may make a point of order that the motion has not been seconded, and then the chair is obliged to proceed formally and call for a second. The better way when a motion is not at once seconded, is for the chair to ask, "Is the motion seconded?" In a very large hall the chair should repeat the motion before calling for a second in order that all may hear. After a motion has been made no other motion is in order until the chair has stated the question on this motion, or has declared, after a reasonable opportunity has been given for a second, that the motion has not been seconded, or has ruled it out of order. Except in very small assemblies the chair cannot assume that members know what the motion is and that it has not been seconded, unless he states the facts.