



## **CITY COUNCIL**

# **RULES OF PROCEDURE**

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# RULES OF PROCEDURE

## PURPOSE

The purpose of these rules is to provide guidelines for the conduct of the public business by or on behalf of the City Council. Non-compliance with or violation of any provision will not affect the validity of any action taken, unless otherwise specifically provided by law.

### 1. MEETINGS

#### 1.1 Regular Meetings

The city council of the City of Minnetonka will hold meetings in the council chambers of the community center, 14600 Minnetonka Boulevard, Minnetonka, Minnesota, according to a schedule adopted annually by resolution no later than the first official meeting held in each year. No meeting will be held on a legal holiday, but a regular meeting may be held at the same hour on the next succeeding day that is not a holiday.

#### 1.2 Adjourned Meetings

Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

#### 1.3 Special Meetings

Special meetings may be called by the mayor or any three members of the council, upon at least three days written notice to each member of the council. Notice must be delivered in person or electronically to each member.

#### 1.4 Emergency Meetings

Emergency meetings may only be called by the mayor or any three members of the council upon at least four hours notice to each member of the council either in writing or by telephone.

#### 1.5 Study Sessions

Members of the council will meet in study sessions according to the annual meeting schedule adopted by the council. The purpose of a study session is to give the city council and city staff the opportunity to study and discuss policy matters in greater detail in a less formal environment than a regular meeting. The council may provide direction to staff but does not take formal action on business matters at study sessions. When allowed by law and these rules, the council may vote to go into closed session at a study session. Individual council members may propose agenda items for future meetings at a study session, and the council may provide direction to the city staff regarding scheduling such matters. Public comment will not be allowed except as determined appropriate by the mayor.

#### 1.6 Notice of Meetings

Notice of all regular meetings, regular study sessions, and special and emergency meetings must be consistently posted in a location designated by the city clerk.

#### 1.7 Cancellation of Meetings

Meetings may be canceled by the mayor because of insufficient agenda items, lack of a quorum, inclement weather, and/or other similar reasons. Except for inclement weather

and other emergency situations, council members must be notified in writing delivered to their homes, by electronic message, or by telephone at least four hours in advance. The mayor may not cancel two or more consecutive meetings without the concurrence of a majority of all council members, except in situations of inclement weather or other emergency.

1.8 Quorum

A majority of the council, excluding vacant seats, is sufficient to do business. A majority is more than half. For the purposes of these rules, a vacant seat is a position on the council that is currently unfilled; it does not mean a seat whose incumbent is merely absent.

1.9 Meetings to be Public

Study sessions and all regular, continued, special or emergency city council meetings must be open to the public, except that the council may hold executive sessions from which the public is excluded when permitted by state law. A decision to hold a closed session must be made upon a motion to that effect, approved by at least a majority of the members present and voting.

1.10 Minutes of Meetings

The city clerk or designee will take minutes of all council meetings. For closed sessions of the city council, the minutes will reflect only the time at which the closed session was convened, the reason(s) and statutory authority stated on the public record for closing the meeting, and the time at which the closed session adjourned.

**2. AGENDA PREPARATION**

2.1 Deadline for Agenda Items

Unless approved by the city manager, no item will be placed on a city council agenda unless the request has been made to the city manager by the second Friday preceding the meeting at which consideration is requested. The city manager may choose not to schedule items for a particular meeting when, in his or her opinion, other business to be considered at that meeting will likely consume the available time. This rule does not preclude amendment of the agenda as provided in Rule 3.4.

2.2 Delivery of the Agenda

The agenda will ordinarily be delivered in person or electronically to council members by the Friday before the Monday meeting to which it pertains.

The agenda and all supporting material classified as public will also be available to the general public within a reasonable time after it is delivered to the city council.

**3. ORDER OF BUSINESS**

3.1 Agenda

The order of business of each meeting will be as contained in the agenda prepared by the city manager. The agenda will be a listing of subjects which will be taken up for consideration. For regular meetings, the agenda will be organized in the following order:

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda  
Approval of Minutes  
Special Matters  
Reports from the City Manager and Council Members  
Citizens Wishing to Discuss Matters not on the Agenda  
Bids and Purchases  
Consent Agenda – Items Requiring Four Votes  
Consent Agenda – Items Requiring Supermajority Vote  
Introduction of Ordinances  
Public Hearings and Related Matters  
Other Business  
Appointments  
Adjournment

3.2 Items Out of Order

With majority consent of the council, the mayor may at any time allow an item to be considered out of the regular agenda order.

3.3 Roll Call

Before proceeding with the business of the council, the city clerk or designee will call the roll of the council members and record their attendance in the minutes. The order of roll call will rotate with each council member being called first every sixth meeting. The mayor will always be called last.

Council members will be noted in the minutes as being excused if they advised the city manager within a reasonable time in advance of their impending absence.

3.4 Agenda Amendments

Once the city manager has formalized and transmitted the agenda to the city council along with accompanying material, no items will be added or deleted before the council meeting. A majority of the council may amend the agenda during “Approval of the Agenda,” except that an item may not be added to the agenda of a special or emergency meeting if the item was not included in the notice for the meeting.

3.5 Reports from the City Manager and Council Members

The city manager may report on upcoming events or matters of interest. Council members may report on recent or upcoming events or matters of interest.

3.6 Public Comments

During “Citizens Wishing to Discuss Matters not on the Agenda,” any person may address the council on a matter that pertains to city business and is not listed on the agenda.

Members of the public also are allowed the opportunity to comment during public hearings. For matters on the agenda that are not public hearings, the mayor has discretion whether to allow public comment.

All public comments are subject to Rule 6.4 and Rule 7 of these Rules of Procedure.

### 3.7 Consent Agenda

The city manager will place routine and non-controversial items on the consent agenda. Except as noted below, these items may be approved by one blanket motion upon unanimous consent of the council members present. A council member or member of the audience may request that an item be removed from the consent agenda for separate consideration. A council member may abstain from voting on, or vote against, any consent agenda item without requesting its removal.

### 3.8 Introduction of Ordinances

Except for emergency ordinances, an ordinance must be considered by the city council at two regular meetings before adoption, and at least seven days must elapse between the two meetings. At the first meeting, the ordinance is introduced. The city council may discuss and/or refer the ordinance to an advisory board for review and public comment. The ordinance will be placed on a second meeting agenda for adoption.

### 3.9 Public Hearings

Generally, public hearings will be conducted in the following order:

- Introduction of item
- Staff report and recommendation
- Questions of staff by council
- Opening of the hearing by the mayor
- Comments by applicant
- Comments by the audience
- Closing of the hearing
- Questions by council
- Discussion by council
- Action by council

## 4. PRESIDING OFFICER

### 4.1 Presiding Officer

The mayor is the presiding officer at all meetings of the council. In the absence of the mayor, the acting mayor will preside. In the absence of both the mayor and acting mayor, the alternate acting mayor will preside. At its first regular meeting in January, the council, by a majority vote, will designate an acting mayor and an alternate acting mayor. A reference to the mayor in these rules also means the acting mayor, the alternate acting mayor, or other council member if the person is serving as the presiding officer in place of the mayor.

### 4.2 Call to Order

The mayor will call the council meeting to order. In the absence of the mayor, the acting mayor, and the alternate acting mayor, the meeting will be called to order by the city manager who will immediately call for the selection of a temporary presiding officer.

#### 4.3 Participation of Mayor

The mayor may move, second, and debate from the chair, subject only to the same limitations of debate imposed on all council members. He or she is not deprived of any rights and privileges of a council member by reason of acting as presiding officer. However, the mayor is primarily responsible for the conduct of the meeting. If he or she desires to personally engage in extended debate on questions before the council, he or she should consider turning the chair over to another member.

#### 4.4 Question to be Stated

The mayor must verbally restate each question immediately prior to calling for the vote, upon request from any council member. Following the vote, the mayor will verbally announce whether the question carried or was defeated. The mayor will also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

#### 4.5 Maintenance of Order

The mayor is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the mayor. All questions and remarks must be addressed to the mayor, or through the mayor to the appropriate council member, staff member, or other person in attendance.

#### 4.6 Powers

The mayor has the following powers:

- (a) to issue proclamations as provided in Rule 5 of these rules;
- (b) to rule motions in or out of order, including any motion obviously offered for obstructive or dilatory purposes;
- (c) to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- (d) to entertain and answer questions of parliamentary law or procedure;
- (e) to call a brief recess at any time; and
- (f) to adjourn in an emergency.

A decision under (a), (b), or (c) may be appealed to the council upon motion of any member. This motion is in order only immediately after the challenged decision is announced. The member making the motion need not be recognized by the mayor, and the motion may not be ruled out of order if it is made timely.

### 5. PROCLAMATIONS

#### 5.1 General

Proclamations are ceremonial documents issued to recognize a day, week or month. The goal of a proclamation is to honor, celebrate or create awareness of an event or issue of significance to Minnetonka and its residents. The mayor has the right to decline any request for a proclamation, and the city may revise suggested text of any proposed proclamation. The city may proclaim more than one event, cause or achievement simultaneously.

## 5.2 Mayoral Proclamations

The mayor may issue proclamations outside of council meetings to recognize significant achievements by Minnetonka residents and organizations (e.g., birthdays of 90 or more years, 50<sup>th</sup> anniversaries of businesses, sports team achievements, etc.). Council members will be provided with copies of all mayoral proclamations.

## 5.3 Proclamations Issued by the City Council

The city council may issue proclamations at city council meetings to:

- (a) Recognize a community event that the city sponsors or in which the city participates. (e.g., Arbor Day, Earth Day, etc.)
- (b) Raise awareness on an important issue of broad interest impacting the city that is consistent with the city's mission and values (e.g., Small Business Saturday, Monarch and Pollinator Awareness Month, etc.).
- (c) Acknowledge the city's role in a significant event or achievement.
- (d) Highlight major local, national or international events that are culturally or historically significant (e.g., Black History Month, LGBTQ+ Pride Month, etc.).

## 5.4 Proclamations Not Allowed

The following types of proclamations will not be issued for:

- (a) Matters of political controversy, or ideological or religious belief;
- (b) Events, individuals or organizations with no direct relationship to the City of Minnetonka;
- (c) Solicitations of commerce;
- (d) Events or causes contrary to the city's mission, vision or policies.

# 6. RULES, DECORUM, AND ORDER

## 6.1 Points of Order

The mayor will determine all points of order subject to the right of any member to appeal to the council. If any appeal is taken, the question will be, "Should the decision of the mayor be sustained?" A majority vote will govern and conclusively determine the question of order.

## 6.2 Decorum and Order – Council Members

- a) A council member desiring to speak must address the mayor and upon recognition, must address only the question under debate.
- b) A council member desiring to question the staff must address the question to the city manager or city attorney, in appropriate cases, who will respond to the inquiry or designate a staff member to do so.
- c) A council member, once recognized, may be interrupted while speaking only if called to order by the mayor, a point of order is raised by another council member, or the speaker chooses to yield to questions from another council member.
- d) A council member called to order while speaking must cease speaking immediately until the question of order is determined. If ruled to be in order, he or

she may proceed. If ruled to be not in order, he or she must remain silent or alter his or her remarks so as to comply with rules of the council.

- e) Council members must accord courtesy to each other, to city employees and to the public appearing before the council and must refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.
- f) A council member may move to require the mayor to enforce the rules. Upon the affirmative vote of a majority of the council, the mayor must do so.

### 6.3 Decorum and Order – Employees

Staff members must observe the same rules of procedure and decorum applicable to members of the council. The city manager must ensure that they observe such decorum. Any staff member, including the city manager, desiring to address the council or members of the public must first be recognized by the mayor. All remarks must be addressed to or through the mayor.

### 6.4 Decorum and Order – Public

Members of the public attending council meetings must observe the same rules of order and decorum applicable to the council. The mayor may order the removal of any person who makes inappropriate remarks or who becomes boisterous while addressing the council and bar that person from further audience with the council.

### 6.5 Enforcement of Decorum

The city manager must carry out the orders and instruction of the mayor for maintaining order and decorum in the council chambers.

### 6.6 Personal Privilege

The right of a member to address the council on a question of personal privilege is limited to cases in which his or her integrity, character, or motives are questioned or impugned.

### 6.7 Conflict of Interest

Any council member prevented from voting because of a conflict of interest, must refrain from debate and voting. That council member may choose to leave the council chambers during debate and voting on the Issue.

### 6.8 Limitation of Debate

A council member normally should speak only once on a subject until every other member choosing to speak has done so.

### 6.9 Dissents and Protests

A council member has the right to express dissent from or to protest any action of the council. A council member wishing to have the dissent or protest entered in the minutes should state so with language such as “I would like the minutes to show that I am opposed to this action for the following reasons:”

### 6.10 Procedures in Absence of Rules

In the absence of a rule to govern a point or procedure, Robert’s Rules of Order, Newly Revised, should be used as a guide.

#### 6.11 Rulings of Mayor Final Unless Overruled

The mayor will decide all questions or interpretation of these rules, point of order or other questions of procedure, requiring ruling. Unless overridden or suspended by a majority vote of the members present and voting, a ruling is final and binding for purposes of the matter under consideration.

### **7. ADDRESSING THE COUNCIL**

#### 7.1 Manner of Addressing the Council

A member of the public desiring to address the council must proceed to the podium and wait to be recognized by the mayor. After being recognized, he or she must state his or her name and address for the record.

All remarks and questions must be addressed to the mayor and not to an individual council member, staff member or other person. Except as allowed by Rule 3.6 for comments on matters not on the agenda, all remarks must be limited to the agenda items under consideration. No person may enter into any discussion without being recognized by the mayor.

#### 7.2 Addressing the Council after Motion is Made

After a motion has been made, or after a public hearing has been closed, no person may address the council without first securing permission from the mayor.

#### 7.3 Limitations Regarding Public Comments and Reports

The mayor may limit or rule out of order a speaker who addresses the council on a topic that is currently before, or about to be submitted for consideration by, a city commission, board or other agency. If an appeal procedure is or was available, the mayor may not allow oral communication to the council outside that procedure. This rule is intended to ensure that a matter follows the appropriate process and that discussion takes place in the proper forum.

The mayor may establish reasonable limitations on public comment, including, but not limited to: limiting the total time available for public comment; establishing a per-speaker time limitation; and restricting speakers from speaking more than once. In establishing the time limits, the mayor may consider, among other things, the number of items on the agenda, the number of persons present desiring to speak on agenda items, and the number of previous meetings at which persons have had an opportunity to comment on the agenda item(s).

#### 7.4 Written Correspondence

The city manager or designee is authorized to open and attend to all mail addressed to the mayor or council not marked "personal" and that appears to relate to city business. All administrative business in those communications that does not require council action may be disposed of between council meetings. A copy of any communication to the council must be sent to each council member weekly. Correspondence to the mayor or individual members not of general interest to the council should be forwarded to the person addressed.

A communication delivered to city hall relating to a matter pending, or to be brought before city council, must be included in the agenda packet for the meeting at which the item is to be considered. Letters of appeal from administrative or commission decisions must be processed under applicable ordinance provisions.

## **8. MOTIONS**

### **8.1 Motions Out of Order**

A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending.

### **8.2 Division of Question**

If the question contains two or more propositions, the mayor may, and upon request of a member must, divide the same.

### **8.3 Withdrawal of Motions**

A motion may not be withdrawn by the mover without the consent of the person seconding it.

### **8.4 Precedence of Motions**

When a motion is before the council, only procedural motions may be considered, in order of priority listed below. Unless otherwise noted, each motion listed below is debatable, may be amended, and requires a majority vote of those members present and voting for adoption.

### **8.5 Motion to Adjourn (not debatable)**

A motion to adjourn is in order at any time except:

- a) when made as an interruption of a member while speaking;
- b) when discussion has ended, and vote on a motion is pending; and
- c) while a vote is being taken.

### **8.6 Motion to Fix Hour of Adjournment**

Unless otherwise agreed by at least a majority of the council, all meetings and study sessions of the council must be adjourned by 12:00 midnight. A motion to set a different, specific time at which to adjourn, is not debatable and not subject to amendment except by unanimous vote of all members present.

### **8.7 Motion to Suspend the Rules**

A motion to suspend provisions of these rules may be approved only by a vote equal to at least two-thirds of the actual membership of the council, excluding any vacant seats.

### **8.8 Motion to Table**

A motion to table is not debatable and precludes all amendments or debate of the subject under consideration. If the motion prevails, the matter may be "taken from the table" at any time prior to the end of the next regular meeting, unless the motion is to either table indefinitely or to a date certain. If the motion is to table indefinitely, the matter may not be rescheduled without at least majority approval of the council.

### **8.9 Motion to Limit or Terminate Discussion**

A motion to limit or terminate discussion may be used to limit or close debate on, or prohibit further amendment to, the pending motion. It is not debatable. If the motion fails, debate must be reopened; if the motion passes, a vote must be taken on the pending motion.

#### 8.10 Motion to Amend

A motion to amend is debatable only as to amendment. A motion to amend an amendment is in order, but a motion to amend an amendment to an amendment is not in order. An amendment modifying the intention of a motion is in order, but an amendment relating to a different matter is not in order. A substitute motion on the same subject is acceptable, and voted on before a vote on the amendment. Amendments must be voted first, then the main motion as amended.

#### 8.11 Motion to Continue

Motions to continue to a definite time are amendable and debatable as to propriety and time set.

#### 8.12 Motion to Reconsider

A motion to reconsider action already taken must be made by a member who voted with the prevailing side, which is the majority side except that in the case of a tie, the "no's" prevail. The motion must be at the meeting during which the original vote was taken, including any continuation of that meeting. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment. If a motion to reconsider is adopted, the prior action taken by the council is rescinded, and the matter is returned to the status that it had immediately before the prior vote was taken. The motion previously voted upon will once again be pending.

#### 8.13 Motion to Rescind or Repeal

A motion to rescind or repeal action previously taken is appropriate when the time for reconsideration has expired. A motion is not in order if rescission or repeal of an action is forbidden by law. If a motion to rescind or repeal fails, no motion to rescind or repeal the same action is in order until 12 months have elapsed after the failed motion.

### **9. VOTING PROCEDURE**

#### 9.1 Voting Procedure

The vote on each motion will be taken by roll call and entered in the minutes. The order of voting will be rotated each meeting with the mayor voting last. The clerk will call the names of members seated. Members will respond "yes," "no," or "abstain."

#### 9.2 Failure to Vote

Every council member present must vote unless disqualified for cause.

#### 9.3 Adoption by Majority Vote

Unless state laws, city charter, city ordinances, or these rules require a different number of votes, council motions must be adopted by a majority of all members of the council then holding office who are able to vote on the matter, whether or not they are in attendance.

#### 9.4 Failure to Achieve Required Votes

A matter that fails to achieve the required number of votes for passage, including a tie vote, is deemed denied. The council members voting in opposition must state their reasons for the record. A matter is not deemed denied if the council continues the matter to another council meeting, by a motion adopted by a majority of members present and voting.

**10. AMENDMENT OF RULES**

These rules may be amended at any regular meeting or at a special meeting that includes amendment of the rules as one of the stated items to be considered. Adoption of an amendment requires an affirmative vote equal to at least two-thirds of all members of the council, excluding vacant seats.