

RESOLUTION NUMBER 06-6246

A RESOLUTION ESTABLISHING THE RULES OF PROCEDURE AND ORDER OF BUSINESS FOR CONDUCTING REGULAR MEETINGS OF THE BOARD OF COMMISSIONERS AND THE PROCEDURE FOR THE PREPARATION OF AN AGENDA FOR SAID MEETINGS; REPEALING RESOLUTION NUMBERED 3438.

BE IT RESOLVED by the Governing Body of the City of Salina, Kansas:

Rule No. 1. Regular City Commission Meetings, Quorum: The City Commission shall hold regular meetings in Room 107 of the City-County Building on the first, second, third and fourth Mondays of each month at 4:00 p.m. Special meetings of the City Commission shall be called by the Mayor with the consent of any two Commissioners provided that each Commissioner receives a notice of the meeting. If a regular meeting date shall fall on a holiday, the meeting shall be held on the following Monday. A majority of the members elected shall be a quorum. The City Commission may meet in Study Session on topics determined by the City Manager or the City Commission on a specific date and time.

It shall be the policy of the City Commission to conduct all meetings in a courteous, expeditious and business-like atmosphere.

Rule No. 2. Agenda: An agenda for each regular and special City Commission meeting shall be prepared by the City Manager in accordance with the following order of business:

1. Call to Order/Roll Call
2. Pledge of Allegiance and Moment of Silence
3. Citizen Forum
4. Awards and Proclamations
5. Public Hearing and Items Set For a Certain Time
6. Consent Agenda
7. Development Business
8. Administration
9. Other Business

The City Manager shall place items for the agenda in accordance with the preceding order of business, however, the City Manager may place items of a special public concern under Public Hearings and Items Set For a Certain Time. Items heard under "Citizen Forum" shall not be acted upon at the same meeting, but shall either be taken under advisement or referred to the City Manager for future consideration. The Consent Agenda shall be adopted by a motion, second and vote of the City Commission provided that any individual item on the Consent Agenda may be withdrawn at the request of a Commissioner.

Rule No. 3. Member Agenda Items, Date: The City Commission may take action only upon those items included on the agenda of a regular or special meeting; provided, however, during the "Other Business" segment of any regular meeting, the City Commission may add an item to its current agenda by 2/3 consent of all members present; however, executive sessions may be added by a simple majority vote. The City Commission may schedule certain topics for consideration for future agendas of a regular or special meeting by majority vote of the members present. Discussion relating to these scheduling matters shall be limited to whether the topic is to be scheduled and, if so, when. Discussion shall not extend to a debate of the merits of the matter.

Rule No. 4. Public Participation: The public may participate in discussion of matters before the City Commission. However, members of the public may participate only when recognized by the presiding officer, may discuss only items germane to the matter at issue, and may be subject to any time limits established by the presiding officer for the efficiency of the meeting. No member of the public may be recognized to speak while the City Commission is debating an item among themselves.

Rule No. 5. Public Hearings: Public hearings shall be conducted in the manner required by State law and City ordinances. The presiding officer may establish time periods for discussion at public meetings. The presiding officer may determine the order in which citizens may speak. The minutes shall show by name and address persons speaking for and against propositions. Citizens whose position cannot be determined will be mentioned in the minutes as speaking "with interest".

Rule No. 6. City Clerk, Minutes: The recording officer for the City Commission shall be the City Clerk. Minutes of each City Commission meeting shall be kept by the City Clerk or, in the absence of the City Clerk, the City Manager shall appoint an acting City Clerk for that meeting. The minutes of each meeting shall be prepared by the City Clerk, under the supervision of the City

Manager and shall be reduced to typewritten form. Ordinances, resolutions and claims need not be recorded in full in the minutes provided they are preserved in other permanent records maintained by the City Clerk. The minutes shall sufficiently identify and describe said ordinances, resolutions and claims. The minutes shall record the official actions, including Commissioner making motions, Commissioner seconding, and voting and the results of any votes. If directed by the motion maker, the minutes shall include the reason for motion.

The unapproved minutes shall be delivered to the Commissioners prior to the next regular City Commission meeting. At the meeting, approval of the minutes of the previous regular and special City Commission meeting, if any, shall be considered by the City Commission. After approval of the minutes by the City Commission, the Mayor or presiding officer for that meeting shall sign the minutes and the City Clerk shall attest thereto. Any Commissioner may request at the City Commission meeting, through the presiding officer, the privilege of having a statement on any matter under consideration by the City Commission or the reason for any action entered into the minutes. Unless the City Commission by vote of the members present objects thereto, such statement shall be entered into the minutes.

Rule No.7. Presiding Officer: The Mayor shall be the presiding officer of the City Commission. In the absence of the Mayor, the Vice-Mayor shall be the presiding officer. In the absence of the Vice-Mayor, the City Commission shall select from one of its members a presiding officer for that meeting. If the Mayor or the Vice-Mayor, as the case may be, should appear, the Mayor or the Vice-Mayor shall assume the chair after conclusion of the item then under debate.

Rule No. 8. Duties of the Presiding Officer: The presiding officer shall be responsible for the conduct of all City Commission meetings. The presiding officer shall have authority to recognize Commissioners and members of the public to speak and to decide all questions of parliamentary procedure and order of business. All rulings of the presiding officer shall be considered valid unless overruled by a majority vote of the members present as explained in Rule No. 9.

Rule No. 9. Appeals of Rulings by Presiding Officer: Any Commissioner may appeal to the City Commission from a ruling of the presiding officer. The appeal shall be sustained if seconded and approved by a majority of the members present. Prior to any action taken on the appeal, the presiding officer shall consult with the parliamentarian for an advisory interpretation.

Rule No. 10. Rights of Presiding Officer: The presiding officer may make motions, second motions or debate any questions, and have the full responsibilities and rights of a member of the City Commission. When these rules refer to City Commission or Commissioners, they shall also include the presiding officer. The presiding officer may set aside items on the agenda for later consideration during the meeting.

Rule No. 11. Debate, Motion and Second Required, Exception: Following any discussion necessary to formulate a motion on any item on the agenda requiring formal City Commission action, a motion shall be made by a Commissioner which shall specify the action to be taken. All motions, except a motion to withdraw a motion, shall require a second prior to the debate. If a motion or a second is not made, the matter shall die for lack of a motion. All motions of the City Commission shall be debatable except the motion to adjourn, to lay on the table, and the previous question. The author of the motion may withdraw their motion anytime prior to the vote.

Rule No. 12 Motion and Order During Debate: When any question is under debate, no motion shall be received but the following, which shall have precedence in the order listed: (1) to adjourn (2) to lay on the table, (3) for previous question, (4) to postpone to a certain day, (5) to amend and (6) to postpone indefinitely. The presiding officer may call recesses but said recesses shall not affect the status of pending motions or actions.

Rule No. 13. Motion to Adjourn: The effect of the motion to adjourn is to conclude the City Commission meeting. Unless a specific time is established, the City Commission meeting is adjourned to the next regular City Commission meeting day at which time the items on the uncompleted City Commission agenda shall be the first order of business after roll call and pledge of allegiance and moment of silence. This motion is always in order except when a Commissioner is speaking, must be seconded and voted upon without debate.

Rule No. 14. Motion to "Lay on the Table": The motion to "lay on the table" delays consideration of an item until later in the same meeting and the time of reconsideration must be specified in the motion. The motion to "lay on table" must be seconded, cannot be debated, and must be voted upon immediately.

Rule No. 15. Previous Question: The previous question shall put in these words, "call the question." Its effect is to put an end to all debate and bring the City Commission to immediate vote upon the motion; it must be seconded, may not be debated, and must be adopted by a 2/3 vote of the members present.

Rule No. 16. Motion to Postpone to a Certain Day, to Postpone Indefinitely: The effect of both motions to postpone is to remove the item under consideration from the current agenda. The motion to postpone to a certain day must establish the City Commission meeting, either regular or special, at which the item is to be reconsidered. The effect of the motion to postpone indefinitely is to end City Commission consideration. No ordinance having passed first reading may be postponed indefinitely.

Rule No. 17. Amendments: A main motion may be amended by a motion and second. Amendments may be further amended by motion and second.

Rule No. 18. Order of Voting on Main Motion, and Amendments: All amendments shall be voted upon in the inverse order in which they are presented, the last amendment being voted on first. Amendments, if adopted by the City Commission, shall remain part of the main motion. When the main motion is voted upon, it shall include all amendments previously adopted.

Rule No. 19. Motion – Withdrawal, Procedure: Any Commissioner may withdraw either the motion or second to a motion at any time prior to voting. If the maker of the motion withdraws the motion, the entire motion dies. If the seconder withdraws, the motion may be seconded by another Commissioner and continued.

Rule No. 20. Reconsideration of Questions: When a vote has been taken, it shall be in order for any Commissioner voting with the prevailing side to move a reconsideration thereof at the same or next regular meeting, but no question shall a second time be reconsidered at the same or next regular meeting. Beyond the next regular meeting, reconsideration of an item shall be governed by Rule No. 3.

A motion for reconsideration must be seconded; however, the seconding can be done by any Commissioner, regardless of how the seconding Commissioner voted on the motion to be reconsidered. Approval of a motion for reconsideration requires only a majority vote, regardless of the vote necessary to adopt the motion to be reconsidered. The effect of the adoption of the motion to reconsider is to immediately place before the City Commission again the question on which the vote is to be reconsidered in the exact position it occupied the moment before it was voted on originally.

Rule No. 21. Ordinance, Adoption: Each proposed ordinance shall be introduced by a Commissioner or the Mayor by motion, and must be seconded. Following introduction, the ordinance shall be voted upon and, if adopted by a majority of the members elected, shall be set over for a second consideration. Second consideration shall not be given earlier than the next regular City Commission meeting unless authorized by state statute or City Charter. All ordinances shall be adopted only by a majority vote of the members elected, unless a greater majority is required by State statute or City Charter.

Rule No. 22. Voting, Order, Roll Call Vote Required, Silence: For all roll call votes, all Commissioners shall vote in alphabetical order by their last names, with the presiding officer voting last. At the discretion of the presiding officer, the vote may be either by voice or roll call. When required by State statute, City Charter, these Rules, or requested by any Commissioner, the vote shall be by roll call, provided that all ordinances shall be considered by roll call vote. When directed by the presiding officer, the City Clerk shall call the roll.

A majority vote of all members elected shall be necessary to adopt any ordinance unless a larger number is required by State Statute or City Charter. A majority vote of those present shall prevail in all other cases. The presiding officer shall announce the results of any vote.

When a question is put by the presiding officer, every Commissioner present shall vote unless a member chooses to abstain from voting. On voice votes, silence by a member shall be counted as a vote in the affirmative. On roll call votes, when a member fails to vote upon any proposition, the vote shall be counted in the negative.

If a Commissioner steps down from City Commission debate of an agenda item and abstains from voting on the item, the abstaining member remains "present" for purposes of sustaining a quorum. For the reasons that adoption of an ordinance requires a majority vote of all members

elected and approval of any other matter requires a majority vote of those present, an abstention shall have the same effect as a "no" vote, regardless of the action to be taken.

Rule No. 23. Appearance of Conflict of Interest, Substantial Interest, Abstention:

Appearance of Conflict of Interest. A Commissioner who believes he or she would present the appearance of a conflict of interest and for that reason chooses not to participate in the debate or the vote on an item on the agenda, shall so state immediately following the City Clerk's introduction of the agenda item, shall step down until the City Commission's consideration of the agenda item has been completed, and shall abstain from voting on any motions relating to the agenda item.

Substantial Interest – Contract. A Commissioner who has a "substantial interest" in a business, as defined by Kansas law, shall not participate in the making of a contract with that business, shall so state immediately following the City Clerk's introduction of the agenda item, shall step down until the City Commission's debate of the agenda item has been completed, and shall abstain from voting on any motions relating to the agenda item.

Substantial Interest – Other than Contract. Other than in the case of contracts as addressed above, a Commissioner who has a "substantial interest" in a business, as defined by Kansas law, shall not act upon any agenda item which will affect the business without disclosing the substantial interest in accordance with Kansas law, or, if the Commissioner chooses, shall so state immediately following the City Clerk's introduction of the agenda item, shall step down until the City Commission's debate of the agenda item has been completed, and shall abstain from voting on any motions relating to the agenda item.

Appearance of Conflict or Substantial Interest – Another Commissioner. If a Commissioner believes that another Commissioner has a substantial interest in a business or presents the appearance of a conflict of interest in relation to a scheduled agenda item, that Commissioner is encouraged to so advise the City Attorney or the City Manager prior to the meeting in order that the concern may be called to the attention of the affected Commissioner. The matter of one Commissioner's belief that another Commissioner has a substantial interest in a business or presents the appearance of a conflict of interest in relation to a scheduled agenda item shall be presumed to be an appropriate subject for an executive session for the purpose of consulting with the city attorney regarding the alleged substantial interest or appearance of a conflict of interest.

Rule No. 24. Roberts Rules of Order Adopted, Parliamentarian: City Commission meetings shall be conducted in accordance with the latest revised edition of Roberts Rules of Order except where said Roberts Rules of Order are in conflict with these Commission Rules, in which case these Rules shall prevail. The City Attorney shall be Parliamentarian and give advice to the City Commission on all parliamentary questions. In the absence of the City Attorney, the City Manager shall serve as Parliamentarian. Failure to comply with Roberts Rules of Order or these Rules shall not invalidate any City Commission action. The City Clerk shall reproduce these Rules in pamphlet form and distribute one copy to each Commissioner, the City Manager and City Attorney.

Rule 25. Legal Documents: No deed, conveyance, article of agreement, covenant, bond, contract, ordinance, resolution or other legal instrument shall be entered into or executed by the City Commission until the same has been referred to the City Attorney and approved by the City Attorney as to form and legality.

Rule 26. Rules – Amendment: These Rules may be amended by the adoption of a resolution by majority of members.

Resolution numbered 3438 is hereby repealed.

Adopted by the Board of Commissioners and signed by the Mayor this 13th day of February 2006.

Deborah Divine
Deborah Divine, Mayor

[SEAL]
ATTEST:

Lieu Ann Elsey
Lieu Ann Elsey, CMC, City Clerk