

City Council Rules Committee

August 1, 2011

Approved 8/8/11

Committee Members Present:

Councilor Bill Keogh, Chair

Councilor Sharon Bushor

Councilor Kurt Wright

Others present: Ken Schatz, Esq., City Attorney (Staff)

1. Agenda & Minutes: Kurt Wright moved to approve agenda and 7/18/11 minutes.
Sharon Bushor seconded the motion.
Unanimously approved.

2. Rules:

Committee discussed changes to Sections 1 – 12 (see attached highlighted Rules)

Next meeting 5:30 p.m. August 8th.

Meeting adjourned at 8:03 p.m.

lb/c: KAS 2011/RULES COM. 8-1-11 Minutes

Ken Schatz

From: Bill Keogh [bkeoghsr@yahoo.com]
Sent: Monday, August 01, 2011 8:39 PM
To: Ken Schatz; Sharon Bushor; Wright, Kurt
Subject: Work Session Rules #1

Burlington, Vermont, Code of Ordinances >> PART II - CODE OF ORDINANCES >> APPENDIX B - RULES AND REGULATIONS OF THE CITY COUNCIL >>

APPENDIX B - RULES AND REGULATIONS OF THE CITY COUNCIL [70]

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| <u>Sec. 1. - Presiding officer.</u> | <u>Sec. 1.A. - Purpose and organization of city council meetings.</u> |
| <u>Sec. 2. - [Order of succession.]</u> | <u>Sec. 3. - [Clerk of council; journal.]</u> |
| <u>Sec. 4. - Committee assignments.</u> | <u>Sec. 5. - Place and date of meetings; quorum.</u> |
| <u>Sec. 6. - [Duties of presiding officer.]</u> | <u>Sec. 7. - [Member to be recognized by chair before speaking.]</u> |
| <u>Sec. 8. - Motions and amendments.</u> | <u>Sec. 9. - [Withdrawal of motion; motion to reconsider.]</u> |
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| <u>Sec. 16. - [Agenda.]</u> | <u>Sec. 17. - [Business to be conducted in accordance with Robert's Rules.</u> |
| <u>Sec. 18. - Appointments to be by open ballot.</u> | <u>Sec. 19. - Request for legal assistance.</u> |
| <u>Sec. 20. - City councilor expense reimbursement.</u> | |

Sec. 1. - Presiding officer.

The presiding officer of the city council shall be styled the president. The president shall be elected at a meeting held on the first Monday in April in each year at 7:00 p.m. The first business transacted shall be the election of a president and such election shall be ~~SHOW OF HANDS ballot~~ BY MAJORITY VOTE OF THE ENTIRE COUNCIL. DETERMINES THAT SUCH ELECTION SHALL BE BY BALLOT. The city clerk CHIEF ADMINISTRATIVE OFFICER (CAO) shall call the meeting to order and shall preside until a president is elected.

(Res. of 6-27-88; Res. of 6-12-89)

Charter reference— Authority to elect president of council, §36.

Sec. 1.A. - Purpose and organization of city council meetings.

The purpose of city council meetings is to conduct city business efficiently and effectively, while still allowing appropriate public input. The city council meetings should be structured to allow focused attention on agenda items. Meetings should be predictable in both the business addressed and length of meetings.

(Res. of 4-13-98)

Sec. 2. - [Order of succession.]

In the absence of the president, the city clerk or assistant clerk CAO shall, and if the CAO is not present any councilor may, call the board COUNCIL to order. A temporary president shall be elected, and in the absence of the clerk a member may be elected temporary clerk.

Sec. 3. - [Clerk CHIEF ADMINISTRATIVE OFFICER of THE council; journal MINUTES.]

The city clerk CHIEF ADMINISTRATIVE OFFICER OR DESIGNEE shall be clerk of the city council. He AND shall keep a full and accurate journal of the proceedings of the council. A copy of such journal shall be furnished to each councilor. If errors or omissions are noted by any councilor they shall be called to the

attention of the board COUNCIL not later than the second meeting after such journal shall have been distributed, otherwise, they shall stand approved as set forth in said journal.

Sec. 4. - Committee assignments.

(a)

NO LATER THAN THE SECOND REGULAR SESSION FOLLOWING THE ELECTION OF THE PRESIDENT. At the first regular session following organization of the council, the president shall appoint standing committees on licenses, ordinances, human resources, charter changes, community development and neighborhood revitalization, civil defense and public safety, parking and transportation ENERGY & UTILITIES, waterfront PARKS, ART & CULTURE and tax abatements. The president shall appoint all special ALL HAD HOC committees unless the council shall designate the members. The first person named on a committee shall be its chairman unless the motion or resolution authorizing its appointment shall designate the chairman. All committees shall consist of three (3) persons unless otherwise ordered by vote of the council. Any matter which has been assigned to the jurisdiction of a standing or special committee of the council shall not be taken up by the council until a report and recommendation is made by the committee unless either of the following procedures occur:

(1) By a two-thirds (2/3) vote the council determines to take up a matter notwithstanding its continuing pendency in a committee;

(2) A majority of the council votes to take the matter up at a council meeting which will occur not sooner than one (1) week subsequent to such vote notwithstanding the matter's continuing pendency in a committee; or

(3) Notwithstanding either of the above provisions, a matter may be taken up by the full council upon passage of three (3) regular meetings.

Such standing committees shall annually prepare a written mission statement to be submitted at the annual meeting of the city council AND GIVE TIMELY UPDATES AS NEEDED, and make a written report to the council at least once every three (3) months. The city council CHIEF ADMINISTRATIVE OFFICER shall designate which department or office of the city is to provide staffing for such standing OR OTHER committees. Committee staffing shall be by a policy level staff member who is able to participate in the committee's discussions and actively represent proposals. However, the staff assistant shall not attempt to control debate or discussions at committee meetings, but instead should assist the committee's work. Committees shall not assign or request that significant assignments be carried out by city departments without first receiving endorsement from the entire city council. ALL STANDING AND AD HOC COMMITTEES SHALL PROVIDE A COPY OF MINUTES OF THEIR MEETINGS TO THE CITY COUNCIL.

(b)

Ad hoc committees may also be established by the President or by a motion approved by the city council. Ad hoc committees may be established for a particular purpose and shall exist for a specified duration, which duration may be extended by the city council. At least once every three (3) months while an ad hoc committee is in effect, it will report to the city council with respect to its activities. Ad hoc committees shall present a written report to the city council which shall include the committee's recommendations upon completion of the committee's work.

All prepared committee agendas which reference a committee meeting shall be communicated to the city clerk CHIEF ADMINISTRATIVE OFFICER and placed on the consent agenda of the next city council meeting if such meeting will occur before the committee meeting.

(Res. of 7-25-88; Res. of 5-8-95; Res. of 4-13-98; Res. of 4-22-02)

Sec. 5. - Place and date of meetings; quorum.

(a)

The regular meetings of the council shall be held IN CONTOIS AUDITORIUM OR IN ANY OTHER LOCATION DESIGNATED BY THE COUNCIL in such room in the city hall or elsewhere as the board of finance may recommend provided the council shall approve the choice. The regular AND ADJOURNED meetings shall be held on the second Mondays of each month at 7:30 p.m. ON DATES IDENTIFIED ON A SCHEDULE IDENTIFIED BY THE PRESIDENT AND APPROVED BY THE COUNCIL. TIME DESIGNATED BY THE PRESIDENT FOR THE COMPLETION OF CITY BUSINESS, unless the council or the mayor shall fix another date for the regular meeting of that month. A majority of the whole council shall constitute a quorum, but a smaller number may adjourn and may compel the attendance of absent members. SEE SECTION 39

(b)

The president and the city council's clerk IN CONSULTATION WITH THE CHIEF ADMINISTRATIVE OFFICER OR DESIGNEE shall coordinate in preparing an agenda for each city council meeting. The agenda shall MAY include preliminary time allotments for each agenda item assuming a starting time for the meeting at 7:00 p.m., the completion of all business to be conducted in open session by 10:30 p.m. and the completion of the meeting by 11:00 p.m. A period of time shall be reserved for items which may be moved from the consent agenda to the deliberative agenda. When the allotted time for an agenda item has been consumed, the president shall MAY immediately call for a vote upon a disposing motion unless the council votes to extend the time for consideration of such item. With respect to the agenda items relating to general city affairs, the mayor shall be allocated UP TO ten (10) minutes, the city council UP TO fifteen (15) minutes, the public forum shall not exceed thirty (30) minutes UNLESS OTHERWISE EXTENDED BY THE PRESIDENT and UP TO five (5) minutes shall be allocated for committee chairs, unless a longer time is voted at a particular meeting. No item may be presented to the city clerk for consideration at a city council meeting which does not contain a requested action date and an estimate of the amount of time which is required for the city council to deal with such proposed agenda item. The foregoing standards shall be subject to a motion to suspend the rules.

(c)

Whenever meetings of the city council and the liquor control commissioners are scheduled for the same evening, the liquor control commissioners will convene at A TIME DESIGNATED BY THE PRESIDENT 7:00 p.m. and conduct business until the earlier of 7:25, or when all business is completed. At 7:25 p.m. the balance, if any, of the liquor control commissioners meeting shall then be suspended until the completion of the public forum, after which the liquor control commissioners meeting shall be completed. The city council meeting will then be reconvened and take up the business of the agenda.

(d)

(Res. of 12-16-91, Res. of 4-13-98)

Charter reference— Meetings of board, §§ 38, 39; quorum, § 40.

Sec. 6. - [Duties of presiding officer.]

The PRESIDENT OR presiding officer shall preserve order and decorum and shall decide all parliamentary questions subject to appeal. THE PRESIDENT shall put no questions to vote except upon motion of some member duly seconded. If any member questions the accuracy of the vote as declared by the president, the PRESIDENT presiding officer shall REQUEST A SHOW OF HANDS OR A ROLL CALL VOTE. I call for and declare the result of a standing vote. The president may call any member to the chair for a period not to exceed a single session, and when out of the chair may participate in debate.

The primary role of the president shall be to run the city council meetings and not to be a participant in the council's debate. The president shall pass the gavel to participate in debate infrequently. Occasional comments by the president for the purpose of clarification and direction of the meeting are permissible. The president shall make sure that all commentary remains on the topic at hand. It shall be the responsibility of the president to limit all repetitious and cumulative discussion and to insist that all questions from the city councilors and the public be directed through the president. The president shall enforce parliamentary

procedure and all time limits IF SO specified on the agenda. THE PRESIDENT IS RESPONSIBLE FOR COMPLIANCE WITH THE RULES OF THE COUNCIL. ANY COUNCILOR NOT IN COMPLIANCE SHALL BE NOTIFIED BY THE PRESIDENT. CONTNUED NON-COMPLIANCE WILL BE BROUGHT TO THE ATTENTION OF THE FULL COUNCIL.

(Res. of 4-13-98)

Sec. 7. - [Member to be recognized by chair before speaking.]

No member shall make a motion or speak on any question until he THE MEMBER has addressed and has been recognized by the chair. THE MEMBER He shall confine DISCUSSION himself to the question before the COUNCIL board, shall avoid personalities and shall not impute improper motives to any member of the COUNCIL board. No city councilor shall speak longer than five (5) minutes to the same motion. CITY STAFF AND OTHER PRESENTERS SHALL BE TREATED WITH COURTESY AND RESPECT BY THE COUNCIL. COUNCIL SHALL ABIDE BY THESE RULES, ETC.

(Ord. of 9-23-91)

Sec. 8. - Motions and amendments.

When a question is before the council no motion shall be entertained but a point of order OR A POINT OF ORDER OR OTHERWISE AS PRESCRIBED IN ROBERTS RULES OF ORDER, and motions to postpone to a certain day, or to postpone indefinitely, to dismiss, to commit or to amend. A motion to adjourn shall always be in order. Motions to adjourn, to lay on the table and TO CALL THE QUESTION for the previous question shall be decided without debate. All amendments proposed must be germane to the subject under consideration. No proposal to amend shall be considered beyond an amendment to an amendment. No motion once seconded may be amended without debate and vote unless THE MAKER OF THE MOTION AND SECONDER CONSET. there is unanimous consent.

(Res. of 12-16-91)

Sec. 9. - [Withdrawal of motion; motion to reconsider.]

The mover of a motion may withdraw the same at any time prior to a decision or an amendment if the member seconding the motion gives his consent. A motion for the reconsideration of any measure must be made by a member who voted with the prevailing side, and a majority of the full membership of the council shall be necessary to secure reconsideration.

Sec. 10. - Resolutions and reports to be in writing.

All resolutions SPONSORED BY COUN ILOR(S) and all final reports of committees shall be presented in writing. All resolutions must be sponsored by a member of the board being introduced. If the resolution pertains to a matter that has been previously considered and acted upon by a committee of the council or by another city board or commission, its text shall include a recital of the date of such action and the margin of approval if such action was taken by a less than unanimous vote.

(Res. of 6-27-88)

Sec. 11. - [Yeas and nays.] DISCUSS WITH KEN

The yeas and nays (ROLL CALL) shall be taken on any question or motion relating to the passage of an ordinance or resolution which appears on the Deliberative Agenda and which is not adopted by a unanimous voice vote. The yeas and nays shall also be taken on any question or motion upon the request of a member. Whenever the question before the council shall be upon the passage of an ordinance, resolution or motion, notwithstanding the veto of the mayor, it shall be decided by a yea and nay vote. On all yea and nay votes the clerk shall call the roll of members and no member present shall be excused from voting except by unanimous consent, or unless he disqualifies himself thereon. So long as a quorum exists, a valid majority for taking city

council action shall be a concurrence of a majority of those present and voting except as otherwise provided in these rules, the Code of Ordinances or the City Charter.

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(Res. of 5-22-95; Ord. of 10-25-10(2))

Sec. 12. - [Absences.]

No member shall be absent without leave from any meeting unless he THE MEMBER is ill or otherwise necessarily detained, in which event he shall notify the clerk OR PRESIDENT of his THE MEMBER'S inability to be present. If a member desires to leave before the close of a session he shall ask permission of the president.

Charter reference— Attendance may be compelled. § 40.

Sec. 13. - Meetings to be public, exception.

All meetings of the council shall be public except that executive sessions may be held as authorized by Vermont's Open Meeting Law, so-called, as such law may be amended from time to time. Members of the city council with mayor presiding and all persons invited to attend an executive session of the city council with mayor presiding or the city council shall not discuss in any fashion the discussions occurring in executive session with any person who is not a member of such council and who was not present in the executive session except as such discussion may be compelled by proper legal process. The foregoing sentence shall not be applicable to any subsequent consideration of such discussions in a public session of the council. Any member of the city council with mayor presiding who violates the foregoing standards shall be subject to censure by the city council with mayor presiding if it is established that such violation has placed the city at a substantial disadvantage in its official business dealings. The burden of proof in such situations shall be borne by the member who makes the contention that another member should be censured. Any other city official who violates the foregoing standards shall be considered to be guilty of negligence or bad conduct, as the case may be and subject to official reprimand. If such violation places the city at a substantial disadvantage in its official business dealings, or if the violating official has previously been reprimanded for improperly discussing executive session proceedings, such official shall be subject to disciplinary proceedings pursuant to section 129 of the City Charter.

Sec. 14. - [Introduction of ordinances.]

On introduction to the council, a proposed ordinance or amendment to an existing ordinance shall identify the city department or city councilor sponsoring the proposal. A proposed ordinance shall be read in full at two (2) separate meetings before being put upon its passage. It shall be read the first time upon its presentation and may then be discussed. Upon proper motion, a proposed ordinance may be defeated upon presentation and first reading. If not so defeated, the proposed ordinance shall upon proper motion following discussion, if any, be referred to the committee on ordinances. Such committee shall consider the proposal, consult with the city attorney and any department concerned, and report to the board no later than sixty days following referral of the proposed ordinance to it. If the proposal remains in the committee beyond a sixty-day period, the committee shall report to the city council at least once every thirty days on the status of its continuing review. The city council may put the proposed ordinance upon its passage at any time following its second reading.

(Res. of 10-29-73; Res. of 11-13-95)

Sec. 15. - Order of business.

At each regular meeting of the council (except as otherwise provided in the agenda prepared by the PRESIDENT clerk) the order of business shall be as follows:

(1)

Presentation of awards and memorials.

(2)

Consent agenda--RESOLUTIONS DEALING WITH THE BUSINESS OF THE CITY

(3)

Comments from the mayor and councilors. INFORMATION ITEMS AND REPORTS

(4)

Reports from committees. COUNCILOR AND MAYOR GENERAL CITY AFFAIRS

(5)

Appointments (adjourn to city council with mayor presiding if required).

(6)

Consideration of bills and contracts.

(7)

Old or unfinished business.

(8)

New business.

(Res. of 12-16-91)

Sec. 16. - [Agenda.]

(1)

An agenda for city council meetings shall be prepared in the city clerk's office and copies thereof shall be available to members of the city council and to the general public by the close of the second business day immediately preceding each regular monthly meeting of the city council, and adjourned session thereof. An agenda for special meetings of the city council, called for a specific purpose, is not required.

(2)

All city departments, councilors, city officials and the public in general (except for the city attorney as provided below) are required to have their materials delivered to the city clerk's office not later than four o'clock in the afternoon of the third business day preceding regular or adjourned regular meetings.

(3)

All requests for resolutions, ordinance and miscellaneous materials, to be prepared by the city attorney must be in his CITY ATTORNEY hands by twelve o'clock noon on the fourth business day preceding a regular, or adjourned regular meeting.

The city attorney shall deliver to the office of the city clerk all resolutions or ordinances to be submitted no later than twelve o'clock noon of the second business day preceding a regular, or adjourned regular meeting.

The city clerk's office shall assemble all materials for the coming meeting into one packet for each councilor and shall mail or deliver by messenger OR ELECTRONICALLY each councilor's packet at the close of the second business day preceding a regular or adjourned regular meeting.

(4)

A supplemental list of unfinished business of previous meetings shall be attached to said agenda.

(5)

The agenda prepared by the PRESIDENT WITH INPUT FROM THE CHIEF ADMINISTRATIVE OFFICER, city clerk shall be divided into two parts, namely a Consent Agenda and a Deliberative Agenda. On the consent agenda the clerk shall list those items which ITEMS SO LISTED are not believed to require debate and shall also suggest the proposed action with respect to such matters. Any councilor may request that a particular item be removed from the Consent Agenda and placed upon the Deliberative Agenda. A single motion shall be sufficient to act upon the items listed in the Consent Agenda in the manner suggested by the CHIEF ADMINISTRATIVE OFFICER clerk. The

items on the Deliberative Agenda shall be dealt with separately in accordance with the procedures otherwise specified by these rules.

(6)

No matters of business, other than those included in the agenda, and provided to councilors in the packets OR ELECTRONICALLY PROVIDED sent by the city clerk's office shall be introduced and considered at any regular or adjourned regular meeting of the city council without a two-thirds affirmative vote of the whole number of councilors. PRESENT AND VOTING

(7)

All meetings of the city council which commence before 7:30 p.m. shall adjourn no later than 10:30 p.m. that same day. No vote by the city council may be taken after 10:30 p.m. All proceedings of the council acting as local control commissioners concerning liquor licenses shall also be concluded by 10:30 p.m. All executive sessions will commence no later than 10:30 p.m. and be concluded by 11:00 p.m. The PRESIDENT chair of the city council and CHIEF ADMINISTRATIVE OFFICER the city clerk shall preview each agenda and endeavor to make sure that all time sensitive items are placed as close as possible to the beginning of the meeting.

(Amended 2-7-72; 2-17-76; Res. of 6-12-89; Res. of 2-25-91; Res. of 6-24-96; Res. of 2-18-97)

Sec. 17. - [Business to be conducted in accordance with Robert's Rules of Order.]

The business of the council shall be conducted in accordance with the recognized parliamentary rules as set forth in the current issue of Robert's Rules of Order. No rules of this council shall be suspended except by a two-thirds vote of those present. No rule shall be amended or repealed unless notice of such proposal has been given at the last regular meeting preceding, and such change must be adopted by a majority of the entire membership of the board. COUNCIL.

(Res. of 4-27-92)

Sec. 18. - Appointments to be by open ballot.

When dealing with commission and council appointments, under the City Charter or otherwise, members of the city council or city council with mayor presiding shall not vote to use secret ballot unless two-thirds of those present vote to use secret ballots. Any member may abstain from voting on the appointment of a commissioner or council member, even in the event of a roll call vote. A commission or council appointment, under the City Charter or otherwise, must be approved by a majority of the entire membership of the city council or the city council with mayor presiding.

(Ord. of 5-23-83; Res. of 12-16-91)

Sec. 19. - Request for legal assistance.

All requests for legal assistance, information and advice received by the office of the city attorney from either the mayor or a member of the city council, and all information received by the office of the city attorney in connection with research and drafting such a request, including any preliminary drafts not yet introduced to any committee of the city council, the full board COUNCIL, or released to the public, shall be confidential, unless the person requesting or giving the information designates in the request that it is not confidential.

(Res. of 8-15-88)

Sec. 20. - City councilor expense reimbursement.

The city council shall annually, as part of the budget and upon recommendation of the mayor, set an expense account for each city councilor. The expense account is for expenses including reimbursement necessary for the performance of city council business. Councilors may combine, or pool, expenses with other councilors. Funds not spent by a city councilor at the end of his/her term shall not be available to the succeeding councilor. The city treasurer CHIEF ADMINISTRATIVE OFFICER will report to the city council SEMI-ANNUALLY at least once every quarter concerning expenditures made by city councilors.

FOOTNOTE(S):

⁽⁷⁰⁾ **Editor's note**— Appendix B contains the rules of the city council as adopted by it and as amended from time to time. Amendments are indicated by parenthetical history notes following the amended sections; absence of such notes indicates that the section is as originally enacted. Catchlines have been added in brackets to facilitate usage and indexing. Other bracketed material in the text has been added for clarity and consistency.

(Back)

⁽⁷⁰⁾ It should be noted that Acts of 1989, No. M-20 effectively changed "board of aldermen," and other like references, to "city council," etc.; throughout the Charter. The editor has changed references to "board of aldermen," etc., to "city council," etc., in Appendix B in order to reflect the enactment of Acts of 1989, No. M-20.

(Back)

⁽⁷⁰⁾ **Charter reference**— City council with mayor presiding and city council, § 36 et seq. (Back)

⁽⁷⁰⁾ **Cross reference**— Administration, Ch. 2; personnel, Ch. 24. (Back)