

Committee of the Whole
Monday, May 20, 2019 6:00 PM
Council Chambers
1369 25 Avenue
Columbus, NE 68601

{{Name: Agenda Item Name}}

{{Rationale: Agenda Item Rationale}} {{AgendaItemEnd}}

- 1. Statement of compliance with Open Meetings Act and roll call.**
- 2. Review city council rules.**
- 3. Adjournment.**



The City of **Columbus**

CITY CLERK'S OFFICE

Phone (402) 562-4224 • Fax (402) 563-1380

May 15, 2019

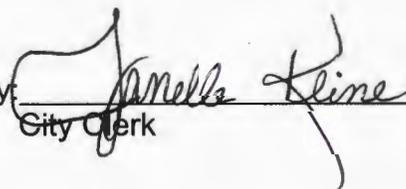
To: Mayor and City Council
From: Janelle Kline, City Clerk
Subject: City Council Rules

The Columbus City Code provides that the Rules of the City Council shall be adopted at the first meeting in July following a general and regular city election. Attached are current City Council Rules with proposed changes shown in red. The proposed changes have been reviewed or are recommended by the city attorney.

The following are proposed amendments for discussion at the May 20th Committee of the Whole meeting:

- 1) Section IV Decorum and Debate, No. 7 with regard to city council member absences – change the verbiage to mirror that of the City Code.
- 2) Section V Miscellaneous, No. 2 – Change the Rules of Parliamentary Practice, comprised in "Robert's Rules of Order", to 11th Edition. The 11th Edition is the current edition.

A recommendation can be made to approve the City Council Rules with the proposed amendments as discussed at the May 20th Committee of the Whole meeting or this issue can be kept in committee and brought back to a June 3rd or June 17th Committee of the Whole meeting for further discussion and recommendation to the mayor and city council. A resolution adopting the new City Council Rules will be presented at the July 1st City Council meeting.

By: 
City Clerk

Approved: 
City Administrator



RULES OF THE CITY COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA

In accordance with Section 30.20 of the Columbus City Code, the following rules of procedures and order of business are adopted to ensure the orderly, efficient, and lawful conduct of the affairs of the City Council of Columbus, Nebraska.

I. ORGANIZATION OF THE COUNCIL

1. At the first regular meeting of the council in December following a regular city election, the newly elected members of the council who have qualified, as provided by law, together with the members of the council holding over, shall meet for the purpose of organization. They shall elect one of their members as "president of the council," who shall hold such office until the first regular meeting of the council in December of the ensuing year, at which time such office shall automatically become vacant. The incumbent shall be eligible for re-election. In the absence of both the mayor and president of the council, the chair of the Public Finance, Judiciary, and Personnel Committee shall serve as acting president of the council, with the identical duties and powers of the president.
2. The council shall, by resolution, establish such standing and special committees as it deems necessary. Permanent standing council committees shall be (1) the Committee of the Whole; (2) the Public Finance, Judiciary and Personnel Committee; and (3) the Public Property, Safety and Works Committee. The Committee of the Whole, consisting of all members of the city council, shall be presided over by the council president, or in the president's absence, by the chair of the Public Finance, Judiciary, and Personnel Committee. All other committees shall select their own chair and vice chair, each of whom shall serve for a term of one year, neither of which shall be the president of the council. The mayor shall at the first regular meeting in December submit to the council for their approval a list of council members to serve on each committee. Each committee shall have as its members one council member from each of the four Wards located in the City of Columbus. Changes on such committees may be made at any time by the mayor with the consent of the majority of all members of the council.

II. CONDUCT OF BUSINESS

1. Regular meetings of the council shall be held in the Council Chambers on the first and third Mondays of each month at 7:00 p.m. Special meetings of the council shall be held in the Council Chambers upon call by the mayor or two members of the council. The day, hour, and purpose of such meetings

shall be set forth in said call. No other business shall be transacted at such special meetings unless all members are present and consent thereto. Notice of every special meeting shall be given to the mayor and each council member by notifying the mayor and council members personally, by telephone, or by leaving a verbal message at the mayor's and council member's usual place of business or residence, or by email.

The council may, by motion, hold council meetings at such other locations and times as designated by a majority of the council.

Regular meetings of the city council may be rescheduled or cancelled by motion of the council.

2. In order for the council to conduct business, a majority of all members elected to the council must be present, but a lesser number may adjourn, from time to time, and compel the attendance of absent members. The quorum for the council committee meetings shall be a majority of the committee's members. The mayor's presence shall not be considered in a determination of a quorum.
3. All ordinances shall contain a title which shall briefly describe and explain the content of the respective ordinance and all ordinances shall contain no subject which shall not be clearly expressed in the title. All ordinances of a general or permanent nature shall be fully and distinctly read aloud, by title, on three (3) different days, unless three-fourths (3/4) of all members of the council vote to suspend this requirement, but only as permitted by state statute. In case such requirement shall be suspended, such ordinance shall be read by title or number and then moved for final passage. Three-fourths (3/4) of all members of the council may require any ordinance to be fully and distinctly read aloud in full before enactment under any of the procedures as set forth above.
4. All resolutions shall contain a title which shall briefly describe and explain the content of the respective resolution and all resolutions shall contain no subject which shall not be clearly expressed in the title. The resolution shall be read by title or number and then moved for final passage.
5. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the council. The mayor may vote on any such matter when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the number of the members elected to the council and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.

6. The mayor shall have the power to approve or veto any ordinance passed by the city council and to approve or veto any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim. If the mayor approves the ordinance, order, bylaw, resolution, contract, or claim, he or she shall sign it, and it shall become effective. If the mayor vetoes the ordinance, order, bylaw, resolution, contract, or any item or items of appropriations or claims, he or she shall return it to the city council stating that the measure is vetoed. The mayor may issue the veto at the meeting at which the measure passed or within seven calendar days after the meeting. If the mayor issues the veto after the meeting, the mayor shall notify the city clerk of the veto in writing. The clerk shall notify the city council of the mayor's veto by email. Any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim vetoed by the mayor, may be passed over his or her veto by a vote of two-thirds of all the members elected to the council, notwithstanding his or her veto. If the mayor neglects or refuses to sign any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim, but fails to veto the measure within the time required by this section, the measure shall become effective without his or her signature. The mayor may veto any item or items of any appropriation bill or any claims bill, and approve the remainder thereof, and the item or items so vetoed may be passed by the council over the veto as in other cases.
7. The city administrator shall prepare the agenda for all meetings of the city council and its committees and a preliminary agenda shall be sent to the mayor. The city council shall, by motion, set a deadline for the submission of all items for the agenda. The mayor or a council member shall have the right to place a matter on the agenda of any regular or special meeting of the council or on the agenda of any committee of the city council by delivering a written request or by emailing a request to the city administrator with sufficient detail so as to fully comply with the Nebraska Open Meetings Act.
8. For purposes of various actions to be taken by the council, the following guidelines as to the number of votes required for various actions are as follows:
 - a. A majority of the council members present, or four votes, whichever number is greater, are required to transact business, except for specified exceptions.
 - b. Five votes of the council members are required to spend money, enter into a contract or pass a resolution.

- c. Six votes of the council members are required to override a mayoral veto.
 - d. Six votes of the council members are required to suspend the rules for passage of an ordinance.
 - e. A vote of two-thirds (2/3) of the council members present is required to suspend the council rules that require a council member to leave the council chambers when abstaining from discussion and vote.
 - f. Six votes of the council members are required to adopt an ordinance creating a water or sewer district.
 - g. Five votes of the council members are required to enter into closed session.
 - h. Five votes of the council members are required to adopt an ordinance, except following the veto of a mayor.
 - i. Five votes of the council members are required to bring an item from the table.
 - j. The mayor may vote on any such matter when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the council, and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.
9. When at all possible, council members shall avoid motions containing negative statements.
 10. A council member shall have the absolute right to change their vote up to the time the result of the vote is announced and the authority to change their vote with permission of five (5) members of the city council up to the time the meeting is adjourned.

III. ORDER OF BUSINESS

Unless otherwise approved by the city council at the operative meeting, the Order of Business will be conducted in the following order:

- Oath of Office. (When necessary/required.)
- Statement of compliance with Open Meetings Act and Roll Call.
- Prayer.
- National Anthem and Pledge of Allegiance.
- Appointment of City Officers. (When necessary/required.)

- Election of Council President. (When necessary/required.)
- Appointment of Council Members to Public Finance, Judiciary, and Personnel Committee and Public Property, Safety, and Works Committee. (When necessary/required.)
- Consent Agenda.
- Minutes.
- Special Presentations.
- Public Hearings.
- Petitions and Communications.
- Reports of City Offices.
- Reports of Council Committees.
- Reports of Special Committees.
- Reports on Legislation.
- New Business.
- Resolutions.
- Ordinances on First Reading.
- Ordinances on Second Reading.
- Ordinances on Third Reading.
- Consideration of Payroll and Bills on File.
- Unfinished Business.
- Adjournment.

This order of business may be changed from time to time by a motion duly made by a council member and a vote of the majority of members present at the council meeting. Further, items may be taken from this order of business and included for consideration in a consent agenda of "routine" items submitted for approval.

At the conclusion of all public hearings, a motion shall be made, seconded, and voted on to conclude the public hearing, continue it to a later date and time, or remove from the agenda. If the hearing is concluded, the council may immediately proceed to act on the issue of the hearing by approving, denying, or amending either a motion, a resolution, or an ordinance, as required.

IV. DECORUM AND DEBATE

1. The mayor shall preside at all meetings of the council. The mayor shall call the body to order at the hour provided by ordinance, preserve order and decorum, and decide all questions of order, subject to an appeal to the council. The mayor shall have supervision of the Council Chambers and in case of any disturbance or disorderly conduct, shall have the power to order the same cleared.
2. When any member is about to speak in debate or deliver any matter to the council, such member shall respectfully address the mayor, shall confine

himself or herself to the question under debate, and avoid references to personal traits of any individual.

3. If a member be called to order for words spoken in debate, the member so calling shall repeat the words excepted to and they shall be taken in writing; and if, in the judgment of the council, the words excepted to are objectionable and the member uttering them refuses to retract, such member shall be subject to the censure of the council.
4. Every member of the council present at a meeting when the question is put shall give his or her vote, unless the council, for special reasons, shall excuse him or her from voting. All motions to excuse a member from voting shall be made prior to the matter for which the council member is seeking to be excused is otherwise discussed, debated, or addressed. Any member requesting to be excused from voting shall make a brief verbal statement of the reasons for making such a request and ask to leave the Council Chambers, as required by law.
5. Every motion shall be reduced to writing upon the request of the mayor or any member of the council.
6. Upon calls of the council, or in taking the ayes and nays upon any question, the names of the members shall be called in regular order and so as to rotate the calling of the first name among the various members of the council, except when electronic balloting is used. All members of the council must vote on all issues unless excused from voting pursuant to the procedure set forth in Paragraph 4 above.
- ~~7. No member shall absent himself or herself from the service of the council, unless he or she is on leave, is sick, or unable to attend. If any council member shall neglect or fail to attend ~~two-five~~ consecutive regular meetings of the council, unless the absences are excused by a majority vote of the remaining Council Members without first submitting a request to be excused to the mayor and obtaining a written consent from the mayor for each absence, he or she shall be deemed guilty of misconduct and his or her office shall be declared vacant by the council. ~~The request to be excused shall not be required if the absence is caused by an emergency that is not reasonably foreseeable. The mayor shall consider the circumstances of the emergency and may excuse the member.~~ The vacancy shall be filled by appointment of the mayor, by and with the consent of the council, as provided by state statute.~~
8. The chief of Police, or any other police officer as designated by the chief of Police, shall be ex-officio Sergeant-at-Arms of the Council Chambers and it shall be that officer's duty to attend the council meeting, to execute the

Commented [N1]: The changes in this section reflect what city code section 30.21 states.

commands of the mayor and council as requested, and to serve such process or processes as may be issued by their authority.

9. Those individuals desiring to put an item or an issue on the agenda of a regular meeting of the city council shall submit such request in writing, completed on an approved "Topic for Consideration" form, to the city clerk's office stating the nature of the item they wish to discuss with the city council, and the request shall be submitted prior to 5 p.m. on the Monday immediately preceding the council meeting. This deadline may be amended by the council by motion and majority vote of the city council. Determination of whether the item or issue will be placed on the agenda is left to the discretion of the city administrator and the requesting citizen will be informed of the decision by 5 p.m. on the Friday immediately preceding the council meeting. The council shall not permit individuals to address the city council relative to topics and issues which are not included on the council agenda.
10. Each person desiring to address the City Council shall step up to the podium at the appropriate time; state his or her name and address for the record; state whom he or she is representing if such person represents an organization or other persons; and, limit his or her remarks to five (5) minutes, unless additional time is granted by the presiding officer or by a majority vote of the council. The presiding officer shall have the right to limit or exclude the presentation of information or testimony which is irrelevant or redundant. The presiding officer may reasonably limit the number of times during any meeting a person, not a member of the council, may address the council at the meeting.

V. MISCELLANEOUS

1. No standing rule of order of the council shall be rescinded, suspended, or amended, except by a vote of at least two-thirds (2/3) of the members present. Nor shall the order of business as established by the Rules of the city council be postponed or amended, except by a vote of at least two-thirds (2/3) of the members present.
2. The Rules of Parliamentary Practice, comprised in "Robert's Rules of Order," ~~Twelfth~~ 11th Edition, shall govern the council in all cases where they are applicable and not inconsistent with these rules.
3. The mayor shall submit all appointments which he desires to have considered by the council not less than two weeks prior to the council meeting in which the appointment will be formally addressed. Provided, however, that if the appointment is a reappointment to the same or similar position, or is an appointment as a paid firefighter or paid police officer, this requirement shall be automatically waived without further action by the mayor or council. Additionally, the council may, upon motion being made, seconded, and

approved, waive this requirement for other appointments at the council's discretion.

4. All committees previously appointed and approved by the mayor and council may appoint subcommittees consisting of the previously appointed members, or consisting of individuals not currently serving on the appointed Board, only upon the mayor and council ratifying the creation of the subcommittee, its duties and the individuals chosen by the committee to serve.
5. No council member shall allow himself or herself to be subject to excessive lobbying.
6. All lobbying, other than minimal contact, shall be reported to the city administrator and the lobbying reported to the other council members before the item, the subject of the lobbying, is discussed.