

## PIEDMONT CITY COUNCIL RULES

### **Section 1: Governing Procedure**

The following provisions shall govern the conduct of all regular, special and emergency meetings of the City Council. The Presiding Officer and the Parliamentarian may refer to Roberts Rules of Order as a parliamentary reference tool but Roberts Rules are advisory only.

### **Section 2: City Attorney to be the Parliamentarian**

The City Attorney shall be the Parliamentarian, and shall advise the Presiding Officer on any questions of order.

### **Section 3: General Decorum**

Presiding Officer – The Mayor, or Mayor Pro-Tem, shall serve as the Presiding Officer and shall preserve decorum and decide all points of order, subject to appeal to the Council.

Council Members shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules.

(a) Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks shall not impugn the motives of any speaker or Councilor, shall at all times, while in session or otherwise conduct themselves in a manner appropriate to the dignity of their office.

(b) A City Council Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

(c) A City Council Member desiring to question the administrative staff upon recognition from the chair shall address questions to the City Manager who shall be entitled either to answer the inquiries or to designate some member of City staff for that purpose. City Council Members shall not berate nor admonish staff members.

(d) A City Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a City Council Member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the City Council.

Staff and Public – Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

(a) Although the Presiding Officer has the authority to preserve decorum in meetings, the City Manager also is responsible for the orderly conduct and decorum of all City employees under the City Manager's direction and control.

(b) The City Manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by City employees in City Council meetings.

(c) All persons addressing the City Council, including the City Manager, other staff members, or members of the public shall be recognized by the presiding officer and shall limit their remarks to the matter under discussion and adhere to time regulations set forth in these Rules.

(d) No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

(e) Everyone attending the meeting will refrain from private conversations while the City Council is in session.

(f) Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the city council during that session of the City Council.

Sergeant-at-Arms – The Police Chief of the City of Piedmont shall serve as the Sergeant-at-Arms. In the absence of the Police Chief the City Manager shall designate the Sergeant-at-Arms.

Enforcement of Decorum – The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum.

#### **Section 4: Agenda**

The agenda shall be a listing by topic of subjects to be considered by the City Council, and shall be delivered to members of the City Council in advance of each meeting in accordance with the directives of the City Council.

(a) The Mayor shall determine the contents of the agenda relating to policy items.

(b) The City Clerk shall prepare an agenda for every regular meeting, and, if requested by the Presiding Officer, for every special meeting. Agendas and informational material for Regular Meetings shall be distributed to the Council and City Attorney no later than the Friday next preceding the meeting. No Council approval shall be required for an agenda of any regular meeting.

(c) Placement of Items on the Agenda.

(1) The City Manager may place routine items and items referred by staff on the agenda without Council action.

(2) Any item placed on the consent docket may upon the request of any member be subject to individual consideration.

(d) Any Council Member wishing to place an item on the agenda may do so through written or verbal request to the Mayor. Should the Mayor deny the request the item may be placed on the agenda through a written request to the City Manager containing signatures from two members of the City Council.

(e) Upon receipt of all items for the agenda the City Manager shall determine if all items could reasonably be accomplished in a regular Council meeting prior to 10:00 p.m. In the event the number of items to be considered appears to exceed a normal meeting, any item(s) which would not adversely affect the public or City operations by being placed on a later agenda may be removed by the City Manager upon counsel with the Mayor and deferred to a later meeting.

#### **Section 5: Order of Business**

All meetings, regular, special and emergency, except executive sessions as authorized by law, shall be open to the public.

(a) No person shall be barred unless the person is disorderly or refuses to obey the lawful order of the Mayor, or Mayor Pro-Tem , or temporary chairperson upon

the event of absence of either the Mayor or Vice-Mayor, who may order the Chief of Police or any attending police officer to eject any person deemed by the Chair to be in violation of these rules.

(b) Promptly at the hour set by law on the day of each regular, special or emergency meeting, the members of the City Council, the City Manager, the City Clerk and the City Attorney shall take their regular stations in the Council chambers and the business of the City Council shall be taken up for consideration and disposition in the following order:

- (1) Call to order
- (2) Flag salute
- (3) Invocation
- (4) Roll call
- (5) Approval of consent docket including minutes of previous meetings and claims
- (6) Proclamations and awards
- (7) Hearing of Citizens
- (8) Public hearing items
- (9) Consideration and unfinished business from previous meeting
- (10) Introduction and adoption of resolutions and ordinances
- (11) Consideration of petitions, contracts and communications
- (12) New business
- (13) Report of officers, boards, committees, City Attorney and City Manager
- (14) Council comments and suggestions
- (15) Adjournment

(c) The order of disposition of the matters to be taken up for consideration by the Council may be rearranged by the direction of the presiding officer.

## **Section 6: Hearing of Citizens**

Public comment on items not listed on the meeting's agenda will have a cumulative maximum time limit of twenty minutes, unless a majority of Council Members present vote to extend the time.

(a) Persons wishing to speak during public comment must fill out a "Speaker's Form" with the person's name and address and the topic upon which the person wishes to speak, not later than the end of the opening exercises. Speaker's Forms must be turned into the City Clerk. The Presiding Officer shall inform the audience of the requirement to sign up to speak immediately after the pledge of allegiance.

(b) If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public

hearing. Public comment shall not be used to testify on an item that is not a public matter or to testify on a matter after the official record has been closed on any matter which has been the subject of a public hearing.

(c) Speakers are limited to three minutes, unless a majority of Council Members present vote to extend the time. No persons will be allowed to submit a "Speaker's Form" after the period for public comment has started.

(d) Should there be more speakers than can be heard for three minutes each during the twenty minute period provided for public comment, the Presiding Officer shall sort the requests to speak in order to afford the greatest opportunity for each topic to be heard. The Presiding Officer may adjust allotment of time to afford the maximum number of citizens the opportunity to speak..

(e) Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The Presiding Officer may intervene if a Councilor is violating the spirit of this guideline.

## **Section 7: Public Hearings**

(a) Persons wishing to speak must submit a "Speaker's Form" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak. The Presiding Officer shall inform the audience of this requirement to sign up at the beginning of the meeting and immediately prior to the commencement of a public hearing.

(b) Except as otherwise provided in these rules, speakers will be limited to ~~three~~ *five* minutes unless a majority of the councilors present vote to extend the time. Councilors may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by City Councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the Council when exercising this option. The Presiding Officer may intervene if a Councilor is violating the spirit of this guideline. At the end of the Public Hearing, each member of the Council has the opportunity to comment on or discuss testimony given during the Public Hearing.

(c) The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matter. The Presiding Officer may order the testimony, alternating those speaking in favor and those in opposition, or having all speaking in favor testifying, followed by all those in opposition. The Presiding Officer may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer shall announce any such restrictions prior to the commencement

of the testimony. In the event of large numbers of interested persons appearing to testify, the Presiding Officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the Clerk of the Council to note the numbers in the minutes.

**Section 8: Reading of the Minutes**

Unless the reading of the minutes of a Council meeting is requested by a member of the Council, the minutes may be approved without reading if the City Clerk has previously furnished each member with a copy thereof.

**Section 9: Rules of Discussion**

(a) The Presiding Officer may move, second, and discuss any item from the chair, subject only to the limitations of discussion as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council Member by reason of acting as the presiding officer with the sole exception of casting a vote other than to break a tie vote.

(b) Every member desiring to speak shall address the chair and request the floor, the member shall not proceed with the member's remarks until named and recognized by the Presiding Officer. If any member is speaking, or otherwise transgresses the rules of the City Council, the Presiding Officer shall call the person to order, and the member called to order should immediately cease, unless permitted to explain, and the Council, if appealed to, shall decide without discussion.

(1) If the decision be in favor of the member called to order, he or she shall be at liberty to proceed. If against him or her and the case requires, he or she shall be liable to the censure of the Council.

(c) No person shall speak more than twice on the same question unless permitted by the Council.

(d) No member of the Council shall leave his or her seat to speak to any other member of the Council or any other person in the Council Chamber without first obtaining permission of the Presiding Officer.

(e) When the City Council is in session, or when a member is speaking, or the City Clerk, Manager or Attorney is reading any paper to or speaking to the City Council, no member shall, in any way, disturb the proceedings of the Council. No members of the Council shall, at any time in addressing any meetings thereof, indulge in any personalities or indecorous language or in any matters or things not pertaining to the subject under discussion.

(f) The right of the floor of the Council shall be accorded only to the members of the Council and to the appointive officers of the City unless otherwise provided for herein.

(g) A Council member moving for the adoption of an ordinance or resolution shall have the privilege of closing the discussion thereon unless by a majority vote of the members present at the meeting the Council decides to extend discussion for a time certain. In all other cases, the closing of discussion shall be governed by the presiding official unless, by majority vote of the members present at the meeting, the Council decides to extend discussion for a time certain.

(h) A motion to reconsider may be made either immediately during the same session or at a recessed and reconvened session thereof only. The motion shall take precedence over all other motions and it shall be debatable.

(i) Any Council member may request, through the presiding official, the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, the statement shall be entered in the minutes.

(j) By City Charter an abstention from voting by a Council Member shall not be recorded as a no vote but shall be reflected in the minutes as an abstention and not counted in determining whether an item passes or fails. A Council Member may withdraw an abstaining vote and cast his or her vote for or against the original matter on which the abstaining vote was cast only where the changed vote is announced publicly by the abstaining council member prior to adjournment of the meeting where the abstaining vote occurred. Upon the timely announcement of a change in the abstaining vote the changed vote shall be counted, recorded and added to the tally of the original vote as either for or against the original measure or action.

(k) When a question before the Council contains several propositions, any member may call for a division of the question so as to vote on each proposition separately. Unless the request for division is made, after preliminary discussion of an agenda item, the Presiding Officer shall, consistent with these rules, call the matter for determination by the Council. Subsequent to the Presiding Officer calling the matter for determination, the procedure shall be as follows:

(1) *Main motion.*

(a) Any member of the Council desiring to offer a motion on a particular agenda item shall so indicate by addressing the Chair to obtain the Presiding Officer's recognition. Subsequent to the Presiding Officer recognizing the member, the member will thereupon, in clear and concise terms, move to:

1. Continue the matter until a specific date;
2. Table the matter indefinitely;
3. To take a certain course of action;
4. Approve for award a bid pending review of bid by staff, the signing of the contract and furnishing the required bond;
5. Approve reading of an ordinance by title only;
6. Approval of an ordinance and that the reading of the ordinance be waived;
7. Adopt a resolution;
8. Approve or reject the request for; or
9. Approve consent agenda.

(b) These are exemplary only and not intended to list all possible main motions.

(l) Thereafter, members desiring to second the motion shall so indicate by addressing the Presiding Officer and upon recognition saying, "I second the motion." Subsequent to the main motion receiving a second and following any discussion, the Presiding Officer shall call for a vote. In all cases, the member making the motion, the member seconding the motion and the vote of the members thereon shall be entered in the minutes of the Council.

(m) If no member offers a motion on an agenda item, the Presiding Officer shall again call for motions. If no motion is presented after the second calling, the Presiding Officer shall declare the item failed for lack of motion. Similarly, if no one seconds another member's motion, the Presiding Officer shall, after calling twice therefore, declare that the motion failed for lack of a second.

(n) Anytime prior to the Presiding Officer's calling for vote of the Council, a member may move to amend the motion, which shall require a second. An amendment must be germane to the main motion.

(2) *Procedural motions.*

(a) In addition to main motions, Council members may offer certain procedural motions which take precedence over the main motion and are not subject to discussion. The procedural motions also require a second from a Council member to proceed with the procedural motions.

(b) A non-exclusive list of exemplary procedural motions are:

1. Amend main motion;
2. Extend limit or close time for discussion;
3. Call for the question;
4. Recess or adjournment;

5. Appeal Mayor's call to order;
6. Division of motion into parts;
7. Table; and
8. Other motions pertaining to the disposition of main motions or dealing with rules of conduct at the meeting.

(o) An item previously decided by the City Council may be placed on the agenda as a new item of business only under the following circumstances:

- (1) When the vote by the City Council occurred at least six months before the item again appears on the agenda;
- (2) When an item deals with any matters dealing with initiation, prosecution, defense or settlement of litigation brought by or against the City, its employees or agencies; and/or
- (3) When a majority of the members of the City Council present at a Council meeting direct the item to be placed on the agenda.

#### **Section 10: Committees**

- (a) The Mayor shall create, abolish, and establish the jurisdiction of all committees and subcommittees, in accordance with applicable law and the City Charter. All chairs, vice-chairs, and members of committees and subcommittees serve at the pleasure of the Mayor.
- (b) The Mayor shall appoint members of all standing committees, with Council confirmation.
- (c) The Mayor shall appoint all special committees and joint committees as the Mayor determines to be necessary.
- (d) The Mayor shall be an ex officio non-voting member of all standing and special committees.
- (e) The Mayor shall appoint City Council members permanently or temporarily to any standing or special committee. That member will serve on said committee at the pleasure of the Mayor.

#### **Section 11: Adoption, Suspension and Amendment of Rules**

- (a) Except as otherwise provided by the Piedmont City Charter, any provision of these rules may be temporarily suspended by a majority vote of the Councilors present. The vote on any such suspension shall be taken by ayes and nays and entered upon the record.

- (b) These rules may be amended, or new rules adopted, by a vote of two-thirds of the Councilors present.

**Section 12: Ethics**

Members of the City Council shall not only be ever conscious that public service is a public trust but shall also be impartial and devoted to the best interests of the City, and shall so act and conduct themselves, both inside and outside the City's service, so as not give occasion for distrust of their impartiality or their devotion to the City's best interests. Members will recognize and abide by the ethics law for municipal officials as provided in the Political Subdivision Ethics Act.