

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION AMENDING THE COUNCIL RULES OF PROCEDURE, BY EXPANDING AND CLARIFYING CERTAIN SECTIONS.

WHEREAS, the Council desires to amend the Council Rules of Procedure to expand and clarify certain sections.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the Council Rules of Procedure be and are hereby amended to read as follows:

1. Authority

1.1 Charter: Section 2.16 of the Charter of the City of Independence provides that the Council may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

2. General Rules

2.1 Meetings to be Public: All official meetings of the Council shall be open to the public, with the exception of those meetings closed pursuant to RSMo 610.021 (closed meetings and closed records when, exceptions) of the Missouri Sunshine Law. The journal of proceedings shall be open to public inspection. (Charter - Sec. 2.17)

2.2 Quorum: Four members of the Council shall constitute a quorum. (Charter - Sec. 2.16)

2.3 Council Attendance

A. As may be permitted by State Law, City Charter, ordinance or Council Rules, a member of the body may attend a Council meeting via videoconference, so long as there is at least one member of the Council physically present to serve as the presiding officer.

B. Compelling Attendance: The Council may compel the attendance of absent members (Charter - Sec. 2.16).

2.4 Journal of Proceedings: An account of all proceedings of the Council constituting the official record of the Council, shall be kept by the City Clerk. (Charter - Sec. 2.12)

2.5 Ordinances: Confined to One Subject Exceptions: No ordinance except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, which shall be clearly stated in its title. (Charter - Sec. 2.19)

2.6 Right of Floor: Any member desiring to speak shall be recognized by the ~~Chairman~~ **Chairperson**, and **shall gain such recognition verbally**, and confine ~~his or her~~ **their** remarks to one subject under consideration or to be considered.

2.7 City Manager: The City Manager, or the Manager's designee, shall attend all meetings of the Council, unless excused by the Mayor. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote.

2.8 City Counselor: The City Counselor, or the Counselor's designee, shall attend all meetings of the Council, unless excused by the Mayor and shall, upon request give an

opinion, either written or oral, on questions of law.

2.9 City Clerk: The City Clerk, or the Clerk's designee, shall attend all meetings of the Council, unless excused by the Mayor and shall keep the official minutes and perform such other duties as may be requested by the Council. The City Clerk shall act as the Council's parliamentarian.

2.10 Officers and Employees: Department heads of the City, when there is pertinent business from their departments on the Council agenda, shall attend such Council meetings.

2.11 Rules of Order: "Roberts Rules of Order Newly Revised" shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

3. Types of Meetings

3.1 Regular Meeting: The Council shall meet in the City Council Chambers in the Independence City Hall for Regular Council Meetings. The Regular Council Meetings are to commence at 6:00 p.m., on the first and third Monday of each month, unless otherwise specified at least two (2) weeks in advance.

3.2 Special Meetings: Special meetings may be called by the Mayor or by any four members of the Council. (Charter - Sec. 2.17). The call for a special meeting shall be filed with the City Clerk in written form, except that announcement of a special meeting, during any regular meeting at which all members are present, shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day, the hour and location of the special meeting and shall specify the subject or subjects to be considered. No special meeting shall be held until at least twenty-four hours (24) after this call is issued. Only such business may be transacted at a special meeting as may be listed in the call for said meeting or an incident thereto.

3.3 Adjourned Meetings: Any meeting of the Council may be adjourned to a later date, time, and specified location, provided that no adjournment shall be for a longer period than until the next Regular Meeting.

3.4 Study Sessions: The Council may meet informally in Study Sessions, at the call of the Mayor or of any four members of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager, provided that all discussions and conclusions thereon shall be informal. **A quorum of the Council must be present to conduct business other than presentations and discussion. A roll call will be taken by the City Clerk at the beginning of each meeting.** The Council ~~may~~ shall vote at a Study Session ~~only~~ to direct staff to add an item to an upcoming Regular Council Meeting agenda for formal action, **direct the City Clerk to add board and commission appointments to an upcoming Regular Council Meeting agenda and refer subject matter to boards and commissions.**

3.5 Executive Sessions: The Council may meet in Executive Session, at the call of the Mayor or any four members of the Council, to privately discuss matters of confidential concern to the well-being of the City government. Executive sessions shall be held in accordance with RSMo 610.021 (closed meetings and closed records when, exceptions) of the Missouri Sunshine Law. **Any notes taken during a meeting will be released to the City Clerk upon request, after closure requirements have expired.**

4. Chairman and Duties

4.1 Chairman~~Chairperson~~: The Mayor, if present, shall preside as ~~chairman~~

Chairperson at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. (Charter - Sec. 2.5 and 2.6).

In the absence of both the Mayor and the Mayor Pro Tem, the Council shall elect a **Chairman Chairperson**.

- 4.2 **Call to Order:** The meetings of the Council shall be called to order by the Mayor or, if absent, by the Mayor Pro Tem. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk.
- 4.3 **Preservation of Order:** The **Chairman Chairperson** shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion.
- 4.4 **Point of Order:** The **Chairman Chairperson** shall determine all points of order, subject to the right of any members to appeal to the Council. If any appeal is taken, the questions shall be, "Shall the decision of the **Chairman Chairperson** be sustained?"
- 4.5 **Questions to be Stated:** The **Chairman Chairperson** shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member, in the manner provided in Section 6.9 of these rules.
- 4.6 **Substitution for Chairman Chairperson:** The **Chairman Chairperson** may call any other member to take the chair, such substitution not to continue beyond adjournment.
5. **Order of Business and Agenda**
- 5.1 **Order of Business:** The general rule as to the order of business in regular meetings of the Council is stated thus:
- Invocation
 - Pledge of Allegiance
 - Roll Call
 - Citizen Requests
 - a. Communications and personal appearances of citizens before the Council
 - Unfinished Business
 - Presentations
 - Resolutions
 - Proclamations
 - Consent Agenda - To be approved by one roll call vote
 - a. Approval of Minutes
 - b. Reports & Recommendations of the City Manager
 - c. Other Reports
 - d. Resolutions
 - Reports & Recommendations requiring more than majority vote to pass
 - Regular Agenda
 - Public Hearing Items
 - Non-Ordinance Action Items
 - Ordinances
 - a. For final action - having previously received first reading
 - b. For first reading
 - c. Emergency ordinances & appropriating ordinances
 - Information Only - does not require action
 - Approval of Executive Session Minutes – (Only appears when needed.)

Councilmember Comments

- a. Matters initiated by Councilmembers for study, service requests, investigation by staff or formal action at a future meeting

Appeal Hearings

Adjournment

- 5.2 Reading of Minutes: Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading, if the City Clerk previously made them available to the Council and for public inspection.

6. Ordinances, Resolutions, and Motions

- 6.1 A. Printed or Electronic form: All ordinances, resolutions, and other requests for action shall be presented to the Council in written form, which may be printed or viewable through electronic means. (Charter - Sec. 2.21).
 - B. Source of Funds: All actions authorizing an expenditure of money shall include the exact source of the funds to be expended.
- 6.2 City Counselor to Approve: All ordinances and resolutions shall be “Approved as to Form and Legality” by the City Counselor. Such approval shall be so indicated by signature on the last page of the ordinance or resolution or by acknowledgement documented in electronic form.
- 6.3 City Manager to Review: All ordinances and resolutions shall be “Reviewed By” the City Manager. Such review shall be so indicated by signature on the last page of the ordinance or resolution or by acknowledgement documented in electronic form.
- 6.4 Council Sponsored Items: All Council requested action items must be submitted to the City Manager or City Clerk on or before 9:00 a.m. the Thursday before the meeting in which the desired action is to be taken.
- 6.5 Publication of Action Items: The City Clerk shall make public all items requiring Council action through publication of the item on the Council agenda at least twenty-four hours (weekends excluded) before the meeting in which the desired action is to be taken.
- 6.6 Ordinances Deferred: Emergencies and Appropriations: Ordinances introduced at a Council meeting shall not be finally acted upon until at least the next official meeting (at least seven (7) days later), except that appropriation and emergency ordinances may be acted upon immediately, and provided further that an affirmative vote of at least five members of the Council shall be required for the final passage of an emergency ordinance. (Charter - Sec. 2.23)
- 6.7 Reading by Title Only: Upon being introduced, each proposed ordinance shall be read by title only, unless any member of the Council requests a full reading of the ordinance. (Charter - Sec. 2.21)
- 6.8 Consideration of Ordinances: Each proposed ordinance shall be read by title, or in full, two times. Except in case of a bill for an emergency ordinance or an appropriating ordinance, not more than one such reading shall be on the same day, and at least one week shall elapse between introduction and final passage.
- 6.9 A. Recording of Votes: The ayes and noes shall be taken by roll call for all the Consent Agenda and each item on the Regular Agenda and entered upon the official record of the Council. The order of this roll call shall be as follows: 1) At Large; 2) 1st District; 3) 2nd District; 4) At Large; 5) 3rd District; 6) 4th District; and 7) Mayor. (Charter-Sec. 2.21)

- B. Votes of members attending a Council meeting via videoconference shall be counted the same as if physically present and voting.
- 6.10 Majority Vote Required: An affirmative vote of at least four (4) members of the Council shall be necessary to pass an ordinance, but a resolution, motion, or any other proposition may be adopted by a majority voting on the issue; except as otherwise specified in the City Charter, by City Ordinance or the Revised Statutes of the State of Missouri. (Charter-Sec. 2.16) When any vote is called each Councilmember shall respond “yes (aye)”, “no”, “abstain”, or “pass”. Any Councilmember who responds “pass” shall be given an opportunity at the end of the roll call to change his or her vote to “yes (aye)”, “no”, or “abstain”. Any “pass” response not so changed shall be recorded as an abstention.
- 6.11 Tie Vote: In the event of a tie in votes on any motion, the motion shall be considered lost.
- 6.12 Numbering Ordinances and Resolutions: Upon passage, a number shall be assigned to each ordinance or resolution by the City Clerk.
- 6.13 Ordinance Passage Procedure: When passed by the Council, an ordinance shall be signed by the presiding officer and be attested by the City Clerk; and it shall be immediately filed and thereafter preserved in the office of the City Clerk. (Charter-Sec. 2.21)
- 6.14 Transfer of Appropriations: Upon the written recommendation of the City Manager, the Council may at any time transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose.
- 6.15 Requests for Ordinances or Legal Opinions: Any member of the City Council may request the City Manager to have prepared proposed ordinances with such ordinances to be placed on the agenda of the next scheduled Council meeting, provided the ordinances can be drafted and distributed to members of the Council in accordance with time schedules set forth in Section 6.4 of these rules. Any member of the City Council may request written legal opinions, relating to City business, from the City Manager. Upon receiving requests for a proposed ordinance or a written legal opinion, the City Manager shall forthwith request same from the City Counselor; and upon return receipt thereof, the City Manager shall forthwith cause to have distributed the subject ordinance or written legal opinion to all members of the Council so that all members of the Council may be fully informed of the status of City affairs. Any member of the Council may, for purposes of inquiry, request verbal opinion or advise on City legal matters directly from the Counselor.
7. Creation of Committees, Boards and Commissions
- 7.1 Citizen Committees, Boards and Commissions: The Council may create committees, boards, and commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify, not inconsistent with the City Charter or Code.
- 7.2 Membership and Selections: Membership and selection of members shall be as provided by the Council if not specified by the City Charter or Code. Any committees, boards or commissions so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the Charter or Code.

- 7.3 **Boards and Commissions Recommendations: Any member of the City Council may make a “Motion to Refer” directing any City Board or Commission to review and make recommendation on specific items or subject matter. Said motion shall include the subject matter or item to be reviewed, when the recommendation should be available to the City Council, and what format the recommendation should be made in. If the motion were to fail at the Council level, the board or commission has the authority to take up said subject matter or item on their own terms.**
- 7.4 Removal of Members of Boards and Commissions: The Council may remove any member of any board or commission which it has created or as created by the Charter of the City of Independence, with or without cause, by a favorable vote for removal of at least four members of the Council. The vote shall be by roll call. (Charter-Sec. 5.8) Unless otherwise excused by the board or commission, absence from three (3) consecutive meetings will constitute cause.
8. Citizens’ Rights in Addressing the Council
- 8.1 Addressing the Council: Any person desiring to address the Council shall have the opportunity to do so by written or oral means and may submit or read petitions.
- 8.2 Oral Communications in Meetings:
- A. Appeal Hearings: Speakers at appeal hearings conducted by the City Council shall be limited as determined by the Council.
- B. Public Hearings: Individuals may address Council in formal public hearings at which public comment is permitted, without advance notification to the City Clerk. A speaker in public hearings shall step to the podium, give ~~his or her~~ **their** name and city of residence in an audible tone of voice for the record and, shall limit remarks to any time limit announced by the presiding officer preceding the opening of the public hearing. If no time limits are announced, speakers in public hearings shall be subject to time limits stated elsewhere in these Rules.
- C. Requests to Speak:
- 1) Taxpayers or residents of the City, may address the Council in a Regular Meeting or Special Called Meeting by oral communications on any matter concerning the City’s business or on any matter over which the Council has control except matters that are the subject of pending legal actions filed by or against the City. An individual may sign up to speak with the City Clerk prior to the start of a City Council Regular Meeting at 6 p.m. on the first and third Mondays of the month, or a Special Called Meeting, unless otherwise specified. A request to speak form must filled out with Name, Address, Phone Number, Email and Topic. Speakers may address only one topic per meeting and the subject matter must be clearly indicated by the speaker. Speakers may not deviate from the stated topic.
- 2) Manner of Addressing the Council, Time Limit: Each person addressing the Council shall step up to the podium, give ~~his or her~~ **their** name and city of residence in an audible tone of voice for the record and, shall limit said address to five (5) minutes. Groups are encouraged to select a spokesperson and their total presentation time shall be limited to ten (10) minutes. Any address shall be limited next to three (3) minutes and to two (2) minutes thereafter, if the individual or group has already presented this topic or issue at a prior Council Meeting in any manner during the past six (6) months. All remarks shall be addressed to the Council as a body, and not to any member thereof. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion,

either directly or through the members of the Council, without the permission of the presiding officer. No questions shall be asked the Councilmembers, except through the presiding officer.

8.3 Personal and Slanderous Remarks: Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Council shall be forthwith ordered by the presiding officer, to leave the podium and the sound will be cut from the microphone and the television camera shall be immediately directed to the presiding officer and the Council shall move on to the next item of business.

8.4 Speaker Rules: The time limit allotted to a speaker shall be announced by the City Clerk prior to each speaker's comments. The speaker shall be responsible for monitoring his/her time. The speaker will be alerted when one minute remains and, at the expiration of the allotted time, the speaker shall have ten (10) seconds to conclude ~~his/her~~ **their** comments, at which time the podium microphone will automatically be shut-off and the television camera shall be immediately diverted to the Council and the Council shall move on to the next item of business. If the speaker refuses to relinquish the podium ~~he/she~~ **they** shall be escorted from the podium by the sergeant-at-arms. If a speaker is escorted from the podium, ~~he/she~~ **they** shall be prohibited from addressing the Council in a meeting for a period of six (6) months.

8.5 Mayor to Appoint Committee to Hear Citizen Complaints: The Mayor of the City of Independence, Missouri, may appoint a committee of three members of the City Council to hear citizen complaints as the same are referred thereto by the Mayor.

8.6 Mayor may refer Citizen Complaints to Executive Session: The Mayor of the City of Independence may refer citizen complaints to an Executive Session of the City Council if it otherwise qualifies for a closed meeting as herein provided.

9. Suspension and Amendment of These Rules

9.1 Suspension of These Rules: Any provision of these rules not governed by the City Charter or Code may be temporarily suspended by a vote of four members of the Council. The vote on any such suspension shall be taken by ayes and noes and entered upon the record.

9.2 Amendment of These Rules: These rules may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

SECTION 2. That correction of any scrivener errors identified within the Council Rules of Procedure is hereby authorized by this resolution.

PASSED THIS _____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Text being eliminated by this ordinance is lined through and bolded, and text being added by this ordinance is underlined and bolded.