

BILL NO. _____

RESOLUTION NO. _____

AN ORDINANCE AMENDING ARTICLE 1 “COUNCIL MEETINGS” OF THE INDEPENDENCE CITY CODE AND REPEALING THE COUNCIL RULES OF PROCEDURE.

WHEREAS, the Council desires to insure a high level of competence, efficiency and responsiveness to the wishes of the electorate in the city government of Independence; and,

WHEREAS, the Council has had a series of conversations in recent months regarding how best to ensure Council meetings are polite, productive, and professional; and,

WHEREAS, City staff have researched best practices regarding procedures for the conduct of business and have consolidated these into a comprehensive revision of the Council Rules of Procedure; and,

WHEREAS, it is recommended these Rules of Procedure be codified in the Independence City Code;

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 That the Council Rules of Procedure be and are hereby repealed and will instead be codified in Article 1 of the Independence City Code.

SECTION 2. That Article 1. – Council Meetings be and are hereby amended to read as follows:

ARTICLE 1. - COUNCIL MEETINGS

Sec. 1.01.001. – Authority and Purpose.

- A. 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.**
- B. These rules are intended to provide a clear and concise set of procedures for the governance of business of the City Council and City Council Committees as described below. They are intended to replace provisions of Roberts Rules of Order except that Roberts Rules may be used to clarify the rules in the event that these rules do not address a procedural question. The intent is further to be mindful of the following principles:**
 - a. The City Council must act as a body.**
 - b. The City Council should proceed in the most efficient manner possible.**
 - c. The City Council must act by at least a majority as provided by the Charter.**
 - d. Every member must have an equal opportunity to participate in decision making.**
 - e. The City Council's rules of procedure must be followed consistently.**
 - f. The City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.**

Sec. 1.01.0042. - Regular meetings.

- A. **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. In the event the Regular Council Meeting falls on the Monday immediately preceding the Tuesday in which a ~~federal, state or local~~ Mayor or City Council election is to be held, the Regular Council Meeting shall be held on the Wednesday immediately following the election day.**

Sec. 1.01.0023. - Time of Council meetings.

- A. All meetings of the Council, regular and special, shall convene at 6:00 p.m. on the day appointed for such meeting, provided however, that the Council may by ordinance, resolution or Council rules of procedure, designate a different time for holding such meeting.

Sec. 1.01.003. - Place of meetings.

- A. All regular and special meetings of the Council shall be held in the City Council Chambers, on the lower level of the Independence City Hall, which is located at 111 East Maple Street, Independence, Jackson County, Missouri, or such other place within the City as the Council may from time to time designate by ordinance, ~~or resolution or Council rules of procedure.~~

Sec. 1.01.004. - Special meetings.

- A. How Called—Quorum. Special meetings of the Council may be called by the Mayor or any other four Councilmembers (**Charter – Sec. 2.17**). All special meetings must have a quorum as provided by the City Charter.
- B. Notice Required.
1. Written notice of any special meeting called in the manner prescribed by Section 1.01.004, stating the place, day and hour of the meeting, the purpose or purposes for which the meeting is called, and signed by the Mayor or other Councilmembers calling the same, shall be filed with the City Clerk at least 24 hours prior to the time set for such meeting. **Email to the City Clerk (in this section and all other references) shall constitute written notice.**
 2. Upon receipt of such call and notice of special meeting, the City Clerk shall, with the least practicable delay, cause notice of such meeting, including the time, place and subject matter thereof, to be communicated to all Councilmembers by telephone or email.
- C. Matters Which May Be Considered. No business shall be transacted by the Council at a special meeting except the business set forth in the written call and notice filed with the City Clerk.

Sec. 1.01.005 Adjourned Meetings

- A. **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.**

Sec. 1.01.006 Study Sessions

- A. 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. The Council may vote at a Study Session only to direct staff to add an item to an upcoming Regular Council Meeting agenda for formal action.**

Sec. 1.01.007 Executive Sessions

- A. 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.**

Sec. 1.01.008 Cancellation of Meetings

- A. Regular Meetings, Study Sessions, Special Meetings, Adjourned Meetings, Executive Sessions, and all other meetings of the City Council may be canceled by written order of the Mayor or any four members of the Council.**

Sec. 1.01.0059. - Chief of Police to be sergeant-at-arms.

- A. The Chief of Police shall be ex officio sergeant-at-arms of the Council and shall attend its meetings, preserve order in and near the Council Chamber, and execute the Council's orders. The Chief of Police shall designate a police officer to act as sergeant-at-arms in the absence of the Chief of Police.**

Sec. 1.01.010. – Order of Business and Preparation of Agenda

- A. The order of business in a regular City Council meeting shall be contained in the official agenda published in accordance with the Missouri Sunshine Law. Such agenda items included herein below shall be included in the agenda and shall be in the following order unless amended by the Mayor as provided by Subsection B herein below:**
 - a. Call to Order**
 - b. Pledge of Allegiance**
 - c. Roll Call**
 - d. Public comments.**
 - e. Council comments.**
 - f. Proclamations**
 - g. Presentations**
 - h. Approval of consent agenda. Items on the consent agenda are routine business matters and resolutions. Consent agenda items may be removed upon the request of any Councilmember for discussion as part of the regular agenda. A consent agenda item may be removed from the consent agenda after approval of the agenda upon the consent of the City Council.**
 - i. Emergency ordinances. The following proposed ordinances meet the criteria included in Section 2.23 of the Independence City Charter. Five affirmative votes are required for approval of the second reading.**
 - j. Public hearings. Proposed ordinances considered after a public hearing will be read for the first time and forwarded to a future City Council meeting for second**

- reading, unless deemed to be an emergency as defined in Section 2.23 of the Independence City Charter. Four (4) affirmative votes are required for approval of second reading unless state law or City Code imposes a higher voting requirement.
- k. **Non-Ordinance Action Items.** These items are new, significant, major policy decisions, or require City Council discussion.
 - l. **Proposed ordinances—First reading.** Proposed ordinances presented for first reading include: changes to City Code, approval of budget, items that were already approved by an ordinance, re-zoning, property acquisition, election matters, any items required by State Statute. Four (4) affirmative votes are required for approval of second reading unless State law or City Code imposes a higher voting requirement.
 - m. **Proposed ordinances—Second reading.** The proposed ordinances were advanced from first reading by the City Council.
 - n. **Council roundtable.**
 - o. **Staff roundtable.**
 - p. **Adjournment.** Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.
- B. The order of business described above may be changed by the Mayor at any time if, in the Mayor's discretion, he or she believes that such a change would allow for a smoother transaction of business.
- C. General business items such as contracts and Planning applications shall be added by staff. The remainder of agenda items must be approved by the Mayor or at the request of two (2) Councilmembers. All Council requested action items must be submitted on or before 9 a.m. two Thursdays prior to the City Council Meeting for which the agenda is being published. The City Clerk shall make public all items requiring Council action through publication of the item on the Council agenda no later than 5 p.m. two Fridays prior to the next regular meeting in which the desired action is to be taken.
- D. Any matter not submitted to the City Clerk in a timely manner as set forth in subsection C of Section 1.01.006 may be considered and acted upon by the City Council, if a two-thirds majority of the City Councilmembers present vote to consider the matter.

Sec. 1.01.011 – Public Comments.

- A. During public comments, the public may address Council on any matter listed in the Council agenda for the meeting or directly related to the operations of the City of Independence, except for those matters that are the subject of a public hearing requiring that testimony be sworn. Any person requesting time to speak to the Council during the public comments portion of the meeting must complete a "Request to Comment" card consisting of at least the person's name, physical address, the agenda item(s) the person wishes to address or the general subject related to the operations of the City of Independence and whether such person is speaking on behalf of a larger group that is in attendance before the person will be allowed to speak. A completed "Request to Comment" card must be submitted to the City Clerk prior to the Call to Order, and the person will 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. Members of the public will be ruled out of order if their comments stray from the agenda item(s) or general subject related to the operations of the City of Independence as identified on the person's "Request for Comment" card. 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 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 shall be escorted from the podium by the sergeant-at-arms. If a speaker is escorted from the podium, he/she shall be prohibited from addressing the Council in a meeting for a period of six (6) months.

- B. During public comments, Councilmembers may address a speaker on the speaker's issue, unless such matter is the subject of litigation involving the City and/or its employees or officials, and City Council has determined its litigation strategy and/or policy and such Councilmember comments will not act to diminish the City's position in such litigation.
- C. 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.
- D. Any ordinance directed by Council to be drafted as a result of a public hearing requiring testimony to be sworn shall not be subject to comment by the public outside a duly advertised public hearing and upon being duly sworn. Such ordinances shall be placed on the agenda under "Public Hearing."

Sec. 1.01.012 – Council Comments.

- A. The Council comments section of the agenda is reserved for legislative discussions among the Councilmembers only. Any member of City Council may use this time to introduce new initiatives and issues for further discussion. Directions to staff, including legal opinions, may result from these discussions.

Sec. 1.01.013 – Council Roundtable.

- A. The Council roundtable is reserved for items of general interest, community announcements, and other such information. Council may ask for clarification or give direction about agenda items or discuss items of an emerging nature.

Sec. 1.01.014 – Staff Roundtable.

- A. The staff roundtable is reserved for items of general interest, community announcements and other such information; however, staff may ask for clarification or direction from the Council related to items on the agenda or for items of an emergency nature for which insufficient time exist for adding to the agenda.

Sec. 1.01.015 – Rules of Order.

A. The following rules of order shall be used to govern the transaction of business for the City Council and any City Council Committees:

Rule 1. *Chair to preside.* The Mayor, if present, shall preside as chairman 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.

Rule 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.

Rule 3. *Preservation of Order.* The Chairman 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.

Rule 4. *Point of Order.* The Chairman 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 be sustained?"

Rule 5. *Questions to be Stated.* The Chair shall state the motion and then open the floor to debate. The Chair shall preside over the debate according to the following general principles:

- a. The maker of the motion is entitled to speak first
- b. A member who has not spoken on the issue shall be recognized before someone who has already spoken;

Rule 6. *Substitution for Chairman:* The Chairman may call any other member to take the chair, such substitution not to continue beyond adjournment.

Rule 7. *Action by the City Council.* The City Council shall proceed by motion unless otherwise provided for herein. Any member of the City Council may make a motion except the Chair.

Rule 8. *Second required.* A second to any motion shall be required to allow consideration and debate on any procedural or substantive motion.

Rule 9. *One (1) motion at a time.* A Councilmember may make only one (1) motion at a time except as may be provided by these rules.

Rule 10. *Substantive motion.* A substantive motion is out of order while another substantive motion is pending.

Rule 11. *Adoption by a majority vote.* Any substantive motion to adopt any ordinance or resolution may be adopted only by a majority of the entire City Council including the Mayor, unless a greater number of votes are required by these Rules, or the Charter or State law provisions. Any procedural motion may be adopted by a majority of the City Council present and voting.

Rule 12. *Voting.* All votes taken during any City Council meeting or City Council Committee meeting shall be cast only by members of the City Council physically present or who are in attendance via video conference. Voting shall be by roll call vote. The Chairman shall announce the result of the vote. 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). A majority of the members of the Council shall constitute a quorum for its business, but a smaller number may meet to compel the attendance of absent members in the manner and subject to the penalties prescribed by ordinance. Except as otherwise provided, the affirmative vote of a majority of the entire Council shall be necessary to adopt any ordinance.

Rule 13. *Ratification of Actions.* To the extent permitted by law, the City Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 14. *Procedural motions.*

(a) *Certain motions allowed.* In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) *Order of priority of motions.* In order of priority (if applicable), the procedural motions are:

Motion 1. *To adjourn.* This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall state the time and place when the meeting shall reconvene provided that such time and location comply with the requirements of RSMo. Ch. 610. In the event that a motion to adjourn is made without reference to a time and place certain, the City Council shall reconvene at such time and place as stated in the previously approved meeting schedule.

Motion 2. *To take a brief recess.* This motion may be made to allow a short recess of the City Council. In no event shall a motion to recess provide for a recess longer than thirty (30) minutes. The Mayor may call for a brief recess following completion of an agenda item but for no longer than fifteen (15) minutes unless a specific reason for a longer recess is stated.

Motion 3. *To follow the agenda.* This motion, if approved, requires the Mayor and City Council to follow the agenda as approved. The motion must be made prior to the consideration of an item that does not follow the agenda. Failure to do so waives the motion.

Motion 4. *To suspend the rules.* The City Council may suspend any procedural rule not required by statute, the City Charter or any other law upon motion and the affirmative vote of four members of the City Council, including the Mayor. This motion is debatable but may not be amended.

Motion 5. *To divide a complex motion and consider it by paragraph.* The motion is in order whenever a member has the floor during debate and wishes to consider and vote on subparts of a complex motion separately.

Motion 6. *To table (lay upon the table).* The City Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires upon the conclusion of the current session, as described in [Motion 17](#) herein below, of the City Council. If consideration of a motion has been tabled, a new motion with the same effect cannot be introduced while the deferred motion remains pending.

Motion 7. *To postpone (to postpone to a date certain).* The City Council may defer a substantive motion or item of business for later consideration at a specified date. Any such motion shall state

the specific date where the item will be considered. The item will then return to the agenda on the specified date without further action by the City Council.

Motion 8. *To refer a motion or item to a Committee.* The City Council may vote to refer a substantive motion or item of business to a committee for its study and recommendations. Any such item so referred shall be subject to [Section 2-60.7](#) as if the item had been referred by the Mayor Pro Tempore.

Motion 9. *To amend.*

(a) An amendment to a motion must be pertinent to the subject matter of the main motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original main motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance or resolution shall be reduced to writing before the vote on the amendment upon the request of the Mayor or any Councilmember.

(d) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Motion 10. *The previous question/to end debate.* The motion, upon approval, shall cause the immediate end of debate on the item. The motion is debatable but may not be amended. The motion is not in order until there have been at least twenty (20) minutes of debate and every member has had an opportunity to speak once. No such motion shall be effective unless it shall receive a second and the affirmative vote of two-thirds ($\frac{2}{3}$) of the entire City Council including the Mayor.

Motion 11. *To take from the table.* Any item deferred by a motion to table may be removed from the table and taken up for consideration and action at any time prior to the end of the current session of the City Council. A motion to take from the table must be approved by a majority of the entire Council including the Mayor. Upon approval, any such motion shall cause the item to be placed on the agenda for the next regular meeting of the City Council at which the item may be lawfully considered as provided by the order of business described herein above and with the same rank.

Motion 12. *To reconsider.* The City Council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side. In the event of a tie, those voting "no" shall be considered on the prevailing side. Motions to reconsider actions taken by the City Council may be made at the same regular or special session meeting of the City Council where the vote being moved to be reconsidered was taken; or, at the next regular or special session meeting of the City Council after the meeting where the vote being moved to be reconsidered was taken. The time limitations on making a motion to reconsider stated in this subsection shall not apply to votes/actions taken at standing or special committees. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting. Upon approval, any such motion shall cause the item to be placed on the agenda for the next regular meeting of the City Council at which the item may be lawfully considered as provided by the order of business described herein above and with the same rank.

Motion 13. *To rescind.* The motion cannot interrupt deliberation on a pending matter but is in order at any time no item of business has been introduced or is being deliberated by the City Council. This motion does not bring a question back before the City Council for renewed consideration (as with a motion to reconsider); rather, its effect is to reverse a previous action. A motion to rescind is out of order if rescission of the previous action would violate vested rights or is forbidden by law. Additionally, the motion is not in order for the purpose of repealing any ordinance or resolution. An ordinance or resolution may be repealed only by an instrument of equal dignity. If notice of the intent to make the motion is given to all members at least twenty-four (24) hours prior to the beginning of the meeting, the motion requires a simple majority of the entire Council including the Mayor to pass; however, if no notice is given then the motion requires the affirmative vote of two-thirds ($\frac{2}{3}$) of the entire Council including the Mayor to pass. *(Note: Examples of vested rights would include a vote to hire a Council Employee such as City Manager, the approval of a liquor license, and the purchase or sale of property authorized without an ordinance.)

Motion 14. *To prevent reintroduction for six (6) months.* The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to two-thirds ($\frac{2}{3}$) of the entire City Council including the Mayor for adoption. If adopted, the motion prevents the reintroduction of a motion with the same or substantially similar subject matter and remains in effect for six (6) months or until the expiration of the current session of the City Council whichever occurs first.

Motion 15. *To direct the City Manager.* Any Councilmember may make a motion to direct the City Manager to take such action as the Council deems proper and necessary for the efficient governance of the City provided such direction is otherwise consistent with the Charter of the City. The motion requires the affirmative vote of a majority of the entire Council including the Mayor to be adopted.

Motion 16. *To go into closed session.* The City Council may go into closed session only for one (1) or more of the permissible purposes listed in RSMo. Ch. 610 or as otherwise provided by law. The City Council shall commence a closed session only after a motion to go into closed session has been made and adopted by the vote of a majority of those present and voting during an open meeting. The motion shall state the purpose of the closed session. Any vote taken during the closed session shall be by roll call. The City Council shall terminate the closed session by a majority vote, using a motion to adjourn or upon the declaration of the Chair that the meeting is adjourned.

Motion 17. *Sine die.* A motion to adjourn sine die shall be in order only upon the conclusion of all business of the two-year session of the City Council. A session of the City Council shall commence upon the swearing in of new or re-elected Councilmembers following the regular municipal election in April of even numbered years and shall continue for a two-year period to and until the next election is held and new members are to be sworn in as provided by the Charter. The election of a person to fill a vacancy on the Council shall not be treated as the start of a new session unless the election occurs during a regular municipal election in April of even numbered years. The motion is not debatable or subject to amendment.

Rule 15. *Withdrawal of motion or second.* Any motion or second may be withdrawn by the maker without the consent of the other at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

Rule 16. *Duty to vote.* Each Councilmember shall be permitted to abstain from voting, by so indicating when the vote is taken. However, Councilmembers are elected to represent the citizens of the district and the City as a whole and should vote on all matters except in cases involving conflicts of interest as defined by law or the City Council. In all cases, an abstention shall be treated as a vote that is not cast for or against the motion and shall not be counted for the purpose of determining the result of the vote. If a member of the City Council believes they have a conflict and would be unable to vote on an agenda item, the member should consult with the City Attorney to confirm the conflict. Once the conflict is confirmed, the City Attorney would assist in the preparation of a statement to be used by the member to recuse themselves prior to any discussion, public hearing, introduction and vote on the conflicting matter. The member would read the statement regarding the conflict and recuse themselves from the item. The member would leave the Council Chambers prior to the initiation of the matter on the agenda and would remain absent until the final vote on the matter. The recusal may affect the quorum required for the meeting; however all matters would still require an affirmative vote of four (4) members of the City Council. The City Council does not have an option to abstain from a vote due to a conflict but should recuse prior to the agenda item. If the member of the Council did not recuse themselves prior to the agenda item and participated in discussion and abstains from voting on the item, the City Attorney would advise the member that abstaining is not an option at that time. If the member continues to abstain or refuses to vote, the City Clerk would record the vote as “AYE” and note in the journal that the member refused to vote.

Rule 17. *Special rules of procedure.* The City Council may adopt special rules of procedure for matters constituting special circumstances. Any such rule shall be adopted only upon the affirmative vote of two-thirds ($\frac{2}{3}$) of the members of the entire City Council including the Mayor.

Rule 18. *Public hearings.*

A. Public hearings required by law or deemed advisable by the City Council or Council Committee shall be organized and notice shall be provided as required by law. Any such notice shall set forth the subject, date, place, and time of the hearing as well as any special rules regarding the length of time allotted for each speaker, and other pertinent matters. Any person wishing to speak may do so as provided by these rules. In the interest of time, groups may be asked to limit the number of speakers to a single representative, and the Chair may provide additional speaking time to such representative as deemed appropriate by the Chair.

B. All speakers should avoid repetitive testimony.

1. *Repetitive testimony in the same public hearing.* If a speaker is providing testimony which presents evidence or arguments that the body has already heard from a previous speaker or speakers in same public hearing, the Chair has the discretion to end such repetitive testimony and limit testimony to the receipt of new evidence. If a speaker has provided written testimony for a public hearing, the Chair may limit oral testimony by such speaker to evidence that is not provided by the written testimony or questions from members. Speakers shall avoid reading written testimony to the body where such written testimony was made available to the body prior to the public hearing.

2. *Repetitive testimony in a second public hearing.* In the case where the body is holding a second public hearing on the same subject matter or application as a previous public hearing before another City body, the Chair may limit testimony in the second public hearing to avoid repetition from the first public hearing. In such situations, the Chair may further limit testimony in the

second public hearing to the receipt of new evidence that was not reasonably available at the time of the first public hearing.

3. *Repetitive testimony at continued public hearings.* In the case where a public hearing before a body has been continued to a later date, the Chair may limit testimony in the continued public hearing to avoid repetition from the first public hearing, and may further limit testimony in the continued public hearing to the receipt of new evidence that was not reasonably available at the time of the first public hearing.

C. All notice and other requirements of the Sunshine Law shall also apply to public hearings before the City Council, any City Council Committee or other Board/Commission of the City; such a hearing is considered part of a regular or special meeting thereof. A public hearing for which any required notices have been given may be continued to a date, time and place certain without further advertisement provided the date, time and place are announced during the meeting at which the hearing was scheduled to occur. The requirements of Rule 9; Motion 7 — Motion to postpone shall be followed in continuing a hearing at which a majority of the Council or Council Committee, is present.

D. At the time appointed for the public hearing, the Chair shall open and preside over the public hearing. When the allotted time for the public hearing expires, or if no one wishes to speak who has not done so, the Chair shall declare the hearing ended. The Chair may re-open the public hearing at the same meeting at which the hearing was originally scheduled if the Body desires to receive additional evidence or testimony in the public hearing. During the body's debate and deliberation of the pending matter after the public hearing has closed, the Chair may accept input and advice from City staff about the pending matter without re-opening the public hearing.

Rule 19. *Minutes.* Minutes of the City Council proceedings, including closed sessions, shall be kept as required by law. The exact wording of each motion and the results of each vote shall be recorded in the minutes.

Rule 20. *Amendment of the rules.* These rules may be amended by ordinance at any regular meeting or at any properly called special meeting that includes amendment of the rules as one (1) of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of a majority of the entire City Council.

Rule 21. *Local rules to govern.* These rules shall govern the conduct of business for the Council of the City of Independence, Missouri and any City Council Committee. In the event that these rules do not address a procedural question the then current edition of Robert's Rules of Order Newly Revised (RONR) may be utilized to answer such procedural questions, so long as RONR does not conflict with Missouri law or with the general intent of these rules as expressed herein. Parliamentary rulings may be made only by the Mayor as the presiding officer of meetings of the Council or temporary presiding officer at meetings of the Council. At the option of the Mayor or temporary presiding officer or at the request from a member of the Rules Committee, they may refer points of order to the Rules Committee for an immediate advisory opinion or seek the advice of staff for such interpretation and application.

Rule 22. *Consensus defined.* For the purposes of City Council and Council Committee action, the terms consensus or consensus shall mean the unanimous consent of all City Council members present at a City Council meeting or all Council Committee members, with a voting right, present at a Council Committee meeting. Such unanimous consent will not necessarily imply that every

member is in favor of the proposed action, but rather indicate that no member objects to the proposed action. Failure of the body to reach a consensus shall require a formal motion and vote for the action being proposed to proceed.

Rule 23. *Conduct during the All Meetings of the Council.* Members of the City Council shall avoid using their cell phone or computer to text or use social media during all meetings of the City Council, including, but not limited to, Regular Meetings, Study Sessions, Roundtables, Strategic Planning Sessions, and Executive Sessions. Members of the City Council shall avoid discussion or sharing their opinion of matters on social media or outside of public meetings. If emails are received regarding a project outside of the public meeting, members of the City Council shall share the date the meeting the item will be discussed, and encourage them to attend the City Council meeting where the item will be discussed to hear all testimony or to address Council. The City Attorney will assist in drafting a response for citizens and developers who wish to speak with you outside of the public hearing once an application has been filed. Members of the City Council shall disclose any conversations they have had with any group or individual outside of City staff regarding an item pending for Council consideration prior to voting on said item.

Rule 24. *Members leaving Council Chambers during Council Meeting.* With the exception of a member of the City Council recusing themselves and leaving the Council Chambers due to a conflict, the Presiding Officer and all City Councilmembers shall remain in their designated places during the meeting unless a recess is called or the member is excused by the Presiding Officer with cause. A vote shall not be taken during a member's absence from their chair.

Sec. 1.01.016 – Procedural Rules for Public Meetings and Public Hearings Conducted by Videoconference.

A. *Applicability.* The provisions of this section shall apply to the City Council, Council Committees, and all boards and commissions of the City that are subject to the Sunshine Law as set forth in RSMo ch. 610 of the (each a "body" as used in this section).

B. *Method of holding meetings, in-person or by videoconference.* Each body may elect to conduct meetings in-person or by videoconference. The chair of each body shall communicate the method of conducting each meeting to City staff with sufficient advanced notice to prepare for the method of holding each meeting. City staff will coordinate with the body to conduct each meeting by the method selected by the body.

C. *General rules for videoconference meetings.*

1. The City Manager shall select a videoconference platform which shall be used by each body to hold meetings which are conducted by videoconference. This method shall be communicated to the bodies of the City. The City Manager may change the videoconference platform from time to time, as deemed necessary.

2. The provisions of this section shall apply to all meetings that are conducted by videoconference.

3. This section shall govern participation in a public meeting by videoconference. If a person participates in a meeting by telephone, these rules will be followed to the greatest extent possible.

4. City staff is directed to incorporate directions regarding how to participate in public meetings by videoconference within the various hearing notices, mailings, agendas, site signage and other means that are distributed to the public for public meetings and public hearings.

5. City staff shall communicate the requirements of this section, as deemed necessary, to educate applicants and members of the public who participate in a meeting by videoconference.

D. Public hearing oath during sworn public hearings.

- 1. For each public hearing, when called upon by the chair of the body, the swearing-in oath shall be delivered as normal to the participants in the videoconference meeting. Video screens shall be turned on, when possible, so the participants can see the person being sworn in.**
- 2. Prior to administering the swearing-in oath, the chair should inform the participants that anyone who needs to be sworn in should have their audio and video turned on, for the limited purpose of swearing to the oath. After this step is complete, all persons who have been sworn in should turn off audio and video and wait to speak to the body as outlined below.**
- 3. The chair of each body will inquire, as necessary, of person speaking in a sworn public hearing whether they were sworn in, and if not then they will receive the public hearing oath.**

E. Applicant participation and testimony.

- 1. The applicant in a public hearing will be given an access code and a password to participate on the selected videoconference platform.**
- 2. The applicant may circulate the access code and password only to consultants and team members who might speak in the meeting. The access code and password will apply only to the designated meeting and should be treated as confidential information.**
- 3. At the swearing-in oath, all applicant team members who might speak should have audio and video turned on to swear to the oath.**
- 4. When the applicant's team members are not speaking, audio and video should be turned off.**
- 5. During the question-and-answer period of a public hearing, when an applicant team member wants to speak, the person should turn on their video and wait to be called upon by the chair of the body. When finished, the person should turn off their audio and video again. Keeping everyone muted unless speaking will minimize background noise and distractions during the course of the discussion.**
- 6. When an applicant's item is finished on the agenda, all of the applicant's team members should leave the videoconference platform. Such persons can continue watching the meeting as a member of the public through City 7 or other publicly available means.**
- 7. The overall goal is to conduct each public hearing as close to the normal in-person process as possible, within the constraints of the videoconference setting.**

F. Public testimony.

- 1. Public participation through the videoconference platform in a public hearing is solely for the purpose of providing testimony in the public hearing. General attendance by the public at a public meeting, when not providing testimony in a public hearing, must be by one of the methods stated on the agenda of the meeting and the other written material that is distributed for the public meeting. These methods will typically include watching on City 7 or on the television channel designated by a cable service provider. The several City departments will coordinate to provide information to the public and potential speakers at public hearings about the procedural rules in this section.**

2. A member of the public who wants to speak at a public hearing by videoconference must inform the City Clerk by 5:00 p.m. on the day before the meeting date.

3. A member of public who makes a timely request to speak at a public hearing by videoconference will receive an access code and password to participate in the videoconference platform as a speaker. The access code and password will apply only to the designated meeting and should be treated as confidential information. The City Clerk's office and City staff shall coordinate to administer this provision.

4. The speaker must use their actual name on the videoconference platform, and cannot participate anonymously. Anyone who attempts to participate anonymously will be dismissed from the videoconference platform by the host.

5. The member of the public that participates in the public hearing must have audio and video turned on to swear to the oath when the swearing-in oath is given for the public hearing.

6. When a member of the public is not speaking, audio and video must be turned off. If a participant fails to follow this rule, the chair may direct that the person be removed from the videoconference platform.

7. When a member of the public is called by the chair of the body to speak, the person should turn on their audio and video and address the body. If a member of the public fails to respond when it is their turn to speak, the chair may direct that that person shall be removed from the videoconference platform by the host.

8. If the speaker has any questions, those questions should be stated during their comments but an answer will only be provided after the speaker has finished all comments. The chair of the body will call upon the appropriate person to answer any questions raised by the speaker.

9. When the agenda item is finished, the member of the public should leave the videoconference platform. Such persons can continue watching the meeting as a member of the public through City 7 broadcast or other publicly available means. Besides City staff and the body itself, the videoconference platform is limited to applicants and public speakers only during their specific agenda item.

Sec. 1.01.017 – Standing Committees-Membership Composition.

- A. City Councilmembers shall be appointed to regular standing committees by the Mayor who, when appointing a committee, shall designate a member thereof as Chair, designate another member as Vice Chair and designate the total number of Councilmembers to serve on each committee. The Mayor shall also designate one (1) councilmember, other than himself/herself, to serve as an alternate member for each standing committee. The alternate committee member shall have voting rights and shall be counted as either the third or fourth member of the committee except that, for purposes of the Legislative and Intergovernmental Relations Committee, the alternate may serve as either the second or third member and shall have the right to vote and participate. The alternate for the Legislative and Intergovernmental Relations Committee may not serve in the ex officio seat of the Mayor. No Councilmember shall serve as an alternate for more than two (2) standing committees. The Mayor shall be an ex-officio member of all committees of the City Council, for the purpose of a quorum and discussion, but shall have no vote. A quorum for a**

standing committee cannot be achieved by the presence of both the alternate committee member and the Mayor.

Sec. 1.01.018 – Regular Standing Committees Enumerated.

- A. The regular standing committees of the Council shall be as follows:**
 - a. Audit and Finance Committee;**
 - b. Legislative/Inter-Governmental Relations Committee;**
 - c. Rules Committee**

Sec. 1.01.019. - Duties of the regular Standing Committees.

- A. Audit and Finance Committee. The committee shall evaluate and review financial statements, review and evaluate investment actions, recommend purchasing and bid approvals to the full Council and consider all other financial transactions as directed by the City Council. The committee shall review the City Manager's proposed budget prior to its consideration by the City Council. The committee shall consider all other budget related matters as directed by the City Council.**
- B. Legislative/Inter-Governmental Relations Committee. The committee shall develop the annual state and federal legislative programs for City Council consideration, work with City staff to monitor legislation introduced at the state and federal level affecting municipalities, and identify issues for the Council to consider taking a position and/or lobbying state or federal legislators. The committee shall work with political subdivisions in the area on common issues, projects, and agreements. A quick response team consisting of the Mayor, City Manager, and Chairman of this committee shall meet and provide a position statement for the committee during the legislative session in those instances where action on specific legislation is imminent.**
- C. Rules Committee. The committee shall formulate and present for consideration the rules of the Council including but not limited to any and all procedures for the conduct of business before the Council and shall consider and report upon all propositions to amend or change the rules, Any Councilmember may request consideration of a rule or procedure for the conduct of business of the Council. Such request shall be made during the Council Comments portion of any regular or special Council meeting.**

Sec. 1.01.020. - Duties of Committee Chair; Committee organization.

- A. It is the duty of the Chair to preside at all sessions of the committee. In the absence of the Chair, the Vice Chair of the committee shall preside, and in his/her absence a member appointed by the Chair.**
- B. The Chair, while the committee is in session, shall preserve order and decorum in and adjacent to the committee or meeting room and shall conduct all hearings in accordance with the Rules of the Council.**
- C. The Chair shall have custody of all papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Council without delay.**
- D. Nothing in this section 1.01.014 shall prevent a member of a committee from making any motion that is otherwise proper as provided in the rules of order.**

Sec. 1.01.021 Quorum.

- A. A majority of all committee members shall constitute a quorum for the transaction of business.**

Sec. 1.01.022 Assignment to Committee—Procedure—Time in committee.

- A. Any Councilmember may request, during "Council Comments" at any Council meeting, that the Mayor assign an item or issue to a Committee for discussion and/or action. The Mayor shall, within fourteen (14) days after the request is made at the City Council meeting, either assign the item or issue as requested or shall affirmatively decline, in writing filed with the City Clerk. In the event that the Mayor shall fail to act in the time specified or shall decline to assign the item or issue, he or she shall assign any item or issue to a Committee upon receipt of a written petition containing the signatures of at least three (3) Councilmembers. Any such petition shall be filed with the City Clerk not later than fourteen (14) days after the Mayor shall decline to assign the issue or item; or, twenty-eight (28) days after the initial request is made during "Council Comments" at a Council meeting, whichever is less.**
- B. Any item or issue so assigned shall remain with its respective standing committee or a special standing committee of the Council, until sixty (60) calendar days have expired after referral to the committee by the Mayor. Three (3) members of the Council shall have the power to call up any item to the full Council after that time. Such power may be exercised by filing a petition to that effect with the City Clerk in such form as the City Clerk may require. Upon receipt of said petition containing the signatures of at least three (3) Councilmembers, the City Clerk shall provide said petition to the full Council for further determination as to how to proceed with the bill or proposed ordinance.**

Sec. 1.01.023 Attendance.

- A. Any member of a committee or Council liaison to any board or commission absent, without good cause as acknowledged by the Chair of the committee, board or commission, from three (3) consecutive meetings thereof as shown by the records of the committee, board or commission, may be dropped therefrom as determined by the Mayor upon written notification of said committee member of being removed from the committee, board or commission.**

Sec. 1.01.024 CITY OF INDEPENDENCE CITY COUNCIL CODE OF CONDUCT

- A. Purpose**
 - a. The Independence City Council Code of Conduct is designed to describe how Council members should act while representing the City of Independence. It defines more clearly the behaviors that are suitable for certain occasions. The constant and consistent themes through this document are dignity, honesty, and respect. This document is intended to provide general guidance for Council members; it is not an exhaustive list of all situations.**
- B. Council Conduct with City Staff**
 - a. Governing the City requires the cooperation of the elected officials who set policy, and City staff who implement and administer the policy. The City's organizational structure, or Chain of Command should be followed and respected.**
- C. Treat City staff as professionals**
 - a. Clear and honest communication that respects the abilities, dignity and experience of staff members is expected.**

D. Chain of Command

- a. Questions and requests of City staff should be directed to the City Manager, as proscribed in Section 2.15 of the Independence City Charter. Information given to a Council member in response to a question or request will be given to all Council members to ensure equal access to information.

E. Be mindful of productivity

- a. City staff is accessible to City Council members, but Council members should be mindful that City staff have multiple assignments/duties to accomplish.

F. Never publicly criticize an individual employee

- a. Council members should not be critical of a City employee in public, to the employee directly, or to the employee's manager. Staff performance should be discussed with the City Manager.

G. Council Conduct with the Public

- a. In Public Meetings - The City's business is conducted at City Council meetings by the elected officials of the City. All council meetings are open to the public, but the public's participation is permitted only at formal council business meetings during the time and in the manner set forth in these rules. Public participation is generally not permitted during work sessions and other informal meetings, although the public is encouraged to express comments in writing or other communication prior to those meetings. Members of the Council should act in accordance with the state law and City ordinances applicable to public meetings.

- b. In Unofficial Settings

- i. Make no promise on behalf of the Council - Council members will be asked to explain a Council action and/or for their opinion about an issue. It is appropriate to discuss City policy and to refer questions to City staff for more information. Do not promise Council action or promise that the City will do something specific.
 - ii. Council members are observed by our community every day in office. Honesty and respect for all should be demonstrated every day.

H. Council Conduct with Other Public Agencies

- a. Be clear about representing the City or personal interests - Council members may appear before agencies and organizations to give a statement on an issue, at which time they should state
 - i. The statement reflects personal opinion, or it is the official stance of the City;
 - ii. The statement is the majority or minority opinion of the Council.
- b. Correspondence also should be equally clear about representation - City letterhead may be used when the Council member is representing the City and the City's official position. All official correspondence should be given to the City Clerk.

I. Council Conduct with the Media

- a. Council members may be contacted by the media for background and quotes. Council members should contact the City Communications Officer prior to speaking with the media for advice and guidance as well as to ensure adherence to the City's adopted Communications Plan. Be careful and cautious when talking with the media.

J. Attendance Required

- a. Attendance of Council members at all meetings of the Council shall be enforced in accordance with the provisions of Section 2.7 of the Independence City Charter.

K. Violations

- a. City Council members who violate this Code of Conduct may be reprimanded, formally censured, or removed from office as prescribed by Section 5.5 of the Independence City Charter.

Sec. 1.01.025 Creation of Committees, Boards and Commissions

- A. **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.
- B. **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.
- C. **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.

Secs. 1.01.026 Employees of the City Council

- A. The Charter specifies the City Council's employees are: The City Manager (Charter-Sec 3.1), City Management Analyst (Charter-Sec 2.11), City Clerk (Charter-Sec 2.12), and Other personnel appointed by the council (Charter-Sec 2.13)
- B. Unless the City Charter or contractual agreements with Employees of the City Council specify otherwise, the Council shall take the following actions regarding recruitment, appointment, reviews and termination of these employees
 - a. **Recruitment** – Recruitment of employees shall be conducted in accordance with normal recruitment methods utilized by the City Human Relations Department.
 - b. **Appointment** – Employees of the City Council shall be appointed in their position by resolution.
 - c. **Reviews** – Reviews and feedback for employees are an important part of setting expectations and providing feedback for employees. The City Council shall no less than annually review and provide feedback to employees using normal methods utilized by the City Human Relations Department.
 - d. **Termination** – Employees of the City Council shall be terminated from their position by resolution.
- C. **Executive Session** – All activities related to recruitment, appointment, review and termination of City Council Employees shall be conducted in Executive Session, at the call of the Mayor or any four members of the Council, to maintain confidentiality of employee information. Executive sessions shall be held in accordance with RSMo 610.021 of the Missouri Sunshine Law.

Secs. 1.01.027—1.01.999. - Reserved.

SECTION 3. That correction of any scrivener errors identified within the Council Rules of Procedure is hereby authorized by this resolution.

PASSED THIS _____ DAY OF _____, 2022, 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 resolution is lined through and bolded, and text being added by this resolution is underlined and bolded.