



City of Hoyt Lakes Council Meeting Rules of Procedure and Order

General Information: The City of Hoyt Lakes would like consistent processes and procedures regarding Council meetings.

Agendas:

Meeting agendas for regular meetings will be developed the Thursday prior to the meeting. Anyone wishing to add an agenda item is required to submit documentation to the City Clerk's Office outlining the nature of the request along with their first and last name no later than the Wednesday prior to the meeting at 4:00 pm. If the item is not the responsibility of the City or the item is inappropriate, the item will not be added to the agenda. Any two members of the council or the Mayor may request an agenda item be added to a regular meeting. No matter may be submitted for Council action by an administrative official, department head, or employee unless it has first been presented to the City Administrator for investigation or study for inclusion on the Council agenda.

Special meetings can be called by the mayor or two council members by filing a written request with the City Clerk describing the agenda item(s) no less than 5 business days prior to the requested meeting date and time to allow proper notification of the public.

Regular Meetings:

Meeting agendas are set in the following order:

1. Roll Call
2. Pledge of Allegiance
3. Consent Agenda (items marked with a *)
4. Approval of City Council Minutes*
5. Correspondence*
6. Financials*
7. Guests/Citizen Forum
8. Reports from Staff
9. Reports from Elected Officials
10. Old Business
11. Public Hearing (if applicable)
12. New Business
13. Adjournment

Role of the Public:

The City Council welcomes the public to all Council meetings, workshops, and hearings and they are encouraged to express their opinion during these meetings. To keep the agenda moving smoothly, the Council has adopted basic guidelines for making presentations before the Council. The purpose of the guidelines is:

- To provide for an orderly meeting.
- To provide equal and adequate time for review and consideration of agenda item.
- To provide equal rights to all members of the public who address the presiding officer.
- To provide the City Council with an equal and rational approach to all decisions.

The City Council has established the following guidelines for the conduct of City Council meetings:

1. Persons not on the agenda attending a Council meeting may address the Council during the guests/citizen forum.
2. When addressing the Council, the person shall approach the podium and begin presenting by stating their name and city.
3. All remarks from the person are limited to three (3) minutes. Each person is limited to one turn. The Mayor may use discretion whether to allow repeat statements from the same person.
4. To help maintain order, applause or other disturbances are discouraged.
5. The Council will not accept any documentation handed out during the meeting; all documents must be submitted to the Clerk's Office as outlined under "agendas."
6. Audience members are encouraged to address the Council during the guests/citizen forum item but cannot make motions or otherwise participate in the meeting or other agenda items.
7. Personal attacks or inappropriate remarks will not be tolerated.
8. No member of the public should engage in conversation when not recognized to speak; background conversations can make it difficult for others to hear.

Voting:

A roll-call vote of the members of the council for financial matters, including budget, levy, bond issuance, etc.

Unless a member of the Council states that the member is not voting, the member's silence must be recorded as an affirmative vote.

Rules of Procedure:

Guiding Principles:

- Council members and staff have the right to participate in discussion if they wish.
- Everyone deserves to be able to hear and know what is going on at all times.
- Everyone deserves to speak without being interrupted.
- Only one topic can be addressed at a time.
- All members have equal rights, privileges, and obligations. The presiding officer must ensure all members are treated equally.

When a topic comes before the Council for consideration, the following shall occur:

1. The Mayor and/or staff member introduce the item.

2. The members of the Council and staff discuss the item.
3. The members of the Council act in one of the following ways:
 - a. Motion to table: this is to set the topic aside for a future meeting, with or without changes. This motion must be seconded and pass with a majority vote.
 - b. Motion to approve: this is to pass the topic. This motion must be seconded and pass with a majority vote, unless 2/3rds or 4/5ths majority is required elsewhere.
 - c. Motion to deny: this is to deny the topic. This motion must be seconded and pass with a majority vote, unless 2/3rds or 4/5ths majority is required elsewhere.
 - d. Motion to direct: this is to direct a committee or member of staff to act on a topic. This motion must be seconded and pass with a majority vote, unless 2/3rds or 4/5ths majority is required elsewhere.
 - e. Informational: the Council considers the topic as information only and will not act on this topic at the present meeting or at a future meeting (unless the topic is added to the agenda again, as above).

All motions must be discarded prior to discussing another motion. A motion can be discarded by failing to obtain a second after the presiding officer calls three times, the original motion maker and seconder rescind the motion, or the motion fails the vote.

Speakers may be interrupted by Council members or staff for the following reasons:

- Personal Privilege – you cannot hear the speaker, safety reasons, etc.
- Point of Order – you see a breach of the rules
- Appeal – you disagree with the presiding officer’s ruling

Decorum by Council Members:

While the Council is in session, Council members must preserve order and decorum, and a member must neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Council member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

Council members must be respectful of diverse opinions. Personal attacks will not be tolerated. Members must honor the role of the Presiding Officer to focus discussion on current agenda items. Objections to the Presiding Officer or other members’ actions should be voiced politely and with reason.

Care must be exercised to define and constrain discussions among members to the facts and relevant information.

The Mayor and Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. The Mayor and Council members are role models for residents, business people, and often stakeholders involved in public debate.

Members should support the majority opinion of the Council once a vote has been taken.

Code of Conduct:

The Mayor and Council members are dedicated to govern efficiently and effectively with a commitment to the promotion of values and integrity of local government democracy.

The following principles govern the conduct of the Mayor and every City Council member:

1. The professional and personal conduct of members must be above reproach and avoid the appearance of impropriety. Members should refrain from abusive

- conduct, personal charges, or verbal attacks upon the character or motives of other members of the Council, Boards, Commissions, staff or the public intended to disrupt or impede the orderly conduct of the City's business.
2. Members must comply with all applicable laws in the performance of their public duties, specifically including the Minnesota Government Data Practices Act and the Open Meeting Law, Minnesota Statutes Chapters 13 and 13D.
 3. Members must perform their duties in accordance with these Rules established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions by the Council and City staff.
 4. The Mayor and Council members must maintain the confidentiality of information concerning property, personnel, or legal affairs of the City. They must neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests. Such disclosure is a violation of these Rules.
 5. Members will represent the official policies or positions of the Council to the best of their abilities. When presenting their individual opinions and positions, members must explicitly state they do not represent the position of the entire Council.
 6. Each member must support the maintenance of a positive and constructive work place environment for City staff, private citizens, and businesses dealing with the City. Council members will recognize their roles, as delineated State Statutes, in individual dealings with City staff.
 7. No member may use one's public position for personal gain or to secure special privileges or exemptions for the person or for others.
 8. No member must, except as specifically permitted by Minnesota Statutes Section 471.895, accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form under circumstances in which it could be reasonably expected to influence the member in the performance of the member's official duties or intended as a reward for the member's official actions.
 9. Public decision-making must be fair and impartial and must not be discriminatory on the basis of those protected classes outlined in federal, state, and city laws and ordinances. The Mayor and Council members must conduct business and operate in a manner that is free from illegal discrimination.

Censure:

It is the intention of the City Council that all of its members must comply with federal and state law, City ordinances, and the City Council's Code of Conduct. Violation of such law or rule of procedure tends to injure the City and to undermine the effectiveness of the City Council as a whole. Such conduct is deemed to be a dereliction of duty.

Censure is a formal resolution of the City Council officially reprimanding one of its members. An official reprimand is a punitive action which serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of a member as an elected official. Censure is an appropriate measure when the violation of law or the Code of Conduct is deemed by the City Council to be a serious offense.

The City Council must not impose censure on any of its members for the violation of any law while criminal charges are pending. However, when the criminal proceedings are final,

the City Council need not be bound by the conclusion of a court or jury and may hold a censure hearing.

Procedure

1. A request for a censure hearing must be submitted to the Personnel Committee in writing by a member of the Council. The request must contain the specific charges on which the proposed censure is based. A copy of the request for censure and the charges must be delivered to the Council member who is the subject of the requested censure at least three days prior to the Personnel Committee meeting at which censure will be considered.
2. The Personnel Committee must determine whether:
 - a. Further investigation of the charges is required;
 - b. The matter is to be set for a public hearing; or
 - c. No action is required.
3. This determination is subject to confirmation by the City Council as part of the Personnel Committee report at the next regular Council meeting.
4. Further investigation, if required, must be done by an ad hoc committee appointed by the Mayor. If the Mayor is the subject of the request, the committee must be formed by the mayor pro tem.
5. If the matter is set for public hearing, it must be scheduled far enough in advance to give the accused member adequate time to prepare a defense, not to exceed 30 days.
6. At the hearing, the Council member who is the subject of the requested censure must be given the opportunity to make an opening and closing statement and to question one's accusers. The Council member who is the subject of the requested censure may be represented and may have the representative speak or question on their behalf. Testimony must be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. The strict rules of evidence applicable to judicial proceedings do not apply to the hearing and the procedures may be generally informal.
7. A decision to censure requires adoption of a resolution making findings with regard to the specific charges, based on substantial evidence and approved by two-thirds of the Council members eligible to vote on the matter. The Council member who is the subject of the requested censure may not vote on the matter.

Enforcement:

Sergeant-at-Arms. The Chief of Police, or such member or members of the Police Department as designated, must be the Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms carries out orders and instructions given by the Presiding Officer or by majority of the Council present for the purpose of maintaining order and decorum at the Council meetings. Upon instructions of the Presiding Officer, or majority of the Council, it is the duty of the Sergeant-at-Arms, or any members of the Police Department present, to place any person who violates the order and decorum of the meeting under arrest or restrained, and cause the individual to be prosecuted or civilly restrained, as appropriate.

Disruption. The public will be allowed to appear and speak before the Council during public hearings as set forth in these rules, unless the person disrupts or otherwise impedes

the orderly conduct of any Council meeting, hearing, or other proceeding of the Council such as using threatening language, making personal defamatory statements, undertaking indecent or threatening behavior or violent actions. If, after receiving a warning from the Presiding Officer, the person persists in such conduct or otherwise disrupting the meeting, the Presiding Officer, pursuant to these rules, may expel and direct the person to leave the meeting. Any Council member may appeal the order of the Presiding Officer and upon a majority vote of the Council members present such order of the Presiding Officer will be set aside. The vote is not debatable. Such person must be readmitted at a future Council meeting as long as there are not further disturbances or disruptions by such person at the future public meeting.

Banners and Signs. Holding or placement of a banner or sign in the Council Chambers in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending the meeting is a violation of these rules.

Recess or Adjourn. All members of the Council must assist the Presiding Officer in preserving decorum and in providing for the efficient operation of the meeting. By a majority vote of those present, the Council may vote to recess or adjourn the meeting to preserve order and decorum or for public safety.