

Policy 1-2 COUNCIL RULES OF PROCEDURE

COUNCIL POLICY NO. 1-2

DISTRIBUTION: Mayor and City Council
All Departments

SUBJECT: CITY COUNCIL RULES OF PROCEDURE

PURPOSE: To provide for orderly conduct of meetings of the Muskogee City Council.

BACKGROUND: Muskogee City Charter, Section 2:12 (c), provides that the City Council may determine its own rules. Rules are hereby established.


POLICY/PROCEDURES: Rules of procedure are attached hereto as exhibit "A" and addresses the following issues, are hereby adopted.

1. Time of Meetings
2. Agenda
3. Presiding Officer
4. Quorum
5. Conduct of Meetings
 - A. Discussion
 - B. Motions
 - C. Roll Call Votes
 - D. Number of votes required
 - E. Public Hearing
 - F. Staff Attendance
6. Journal (minutes)
7. Citizen Participation
The Citizen Participation Guidelines and Rules of Decorum, Ordinance No. 3908-A, dated November 26, 2012, codified at Section 2-29 of the Muskogee Code of Ordinances, Exhibit "B".
8. Robert Rules of Order

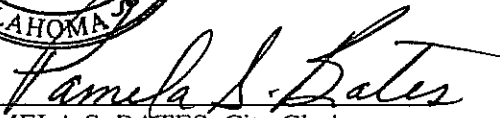
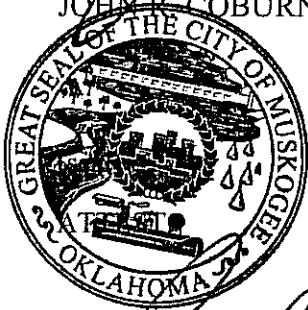
REFERENCES: Muskogee City Charter

EFFECTIVE: January 1, 2013. This policy supersedes prior Policy 1-2 dated February 23, 2009.

RESPONSIBLE DEPARTMENT: City Clerk



JOHN P. COBURN, MAYOR



PAMELA S. BATES, City Clerk

APPROVED as to form and legality this 26 day of November, 2012.



Roy D. Tucker
City Attorney

Exhibit “A”

COUNCIL RULES OF PROCEDURE

COUNCIL POLICY 1-2

RULES OF PROCEDURE

MUSKOGEE CITY COUNCIL

1. TIME OF MEETINGS

Regular meetings of the Council shall be held in council chambers, on the second and fourth Monday of each month beginning at 7:00 p.m. Section 2-20 Muskogee Code of Ordinance. Special meetings of the Council shall be called in accordance with the provisions of City Code and the Oklahoma Open Meetings Act, Title 25, Oklahoma Statutes, Section 301, et seq.

All meetings, regular and special, shall be open to the public, and no person shall be barred unless he is disorderly or refuses to obey the order of the presiding officer, who may order the Chief of Police or any attending police officer to eject any such person. There shall be at least one police officer present at each Council meeting. The Council may meet in executive session only as authorized by the City Charter and Oklahoma State Statute.

2. AGENDA

A. PREPARATION OF THE AGENDA.

An agenda for each meeting of the Council shall be prepared by the City Clerk in conjunction with the City Manager to ensure that City business is conducted in an efficient manner. No item shall be voted on without having been placed on the agenda, unless it meets the definition of “New business” as defined by the Oklahoma Open meeting Act, 25, O.S. 311 A(9), and which must be acted upon before the next regularly scheduled meeting and could not have been foreseen.

B. AGENDA ITEMS

1. All agenda items shall be provided to the City Clerk in the format approved by the City Clerk in either hard copy or electronically.
2. Agenda items submitted to the City Clerk shall be submitted by close of business on the Thursday prior to the Council meeting at which the item is

to be considered unless the Friday is a holiday in which case the previous business day. At discretion of the City Clerk, the City Clerk may elect to add items to the agenda if necessary for the conduct of current business of the City or is of an urgent matter is submitted prior to publication of the agenda.

- a. Addendums to the Council's agenda will not be accepted by the City Clerk and posted unless it is of an urgent nature requiring immediate consideration and the subject matter of the addendum must be acted on prior to the next regularly scheduled meeting of the Council.
- b. Agenda items may only be submitted for placement on the agenda by the Mayor, a member of the Council, the City Manager, the City Attorney, the City Clerk, a Department Director with the approval of the City Manager. Agenda items submitted by other individuals or organizations shall not be accepted by the City Clerk.
- c. Citizens wishing to have an item placed on the agenda must have the item sponsored by and placed on the agenda by a member of the City Council

3. PRESIDING OFFICER

The presiding officer for each meeting shall be the Mayor, or in his absence, the Deputy Mayor. If both the Mayor and Deputy Mayor are absent, the City Clerk or Deputy City Clerk shall call the meeting to order and a temporary hearing officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Deputy Mayor, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the Council. The presiding officer shall preserve order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote.

4. QUORUM

A quorum authorized to conduct business shall consist of a majority of all members of the Council (5). Less than a quorum may adjourn from day to day. Charter Section 2:12(d), City code Section 1-2 definitions.

5. CONDUCT OF MEETINGS

A. PUBLIC COMMENT PERIOD

Maximum Time: 3:00 minutes

Public comment period will only be held during regularly scheduled meetings of the Public Works Committee and City Council prior to an executive session or absent executive session, as the last item on the agenda. Any persons desiring to address the Council during the public comment period shall sign-in on a form provided by the City Clerk, providing their name, address and supplemental information; specify the issue they wish to address and secure permission from the presiding officer. A person will not be allowed to speak without having signed in. Speakers may supplement their remarks with written or accompanying materials which must be submitted to the City Clerk at the time of signing in to speak. If written materials are submitted it is suggested that twelve copies be made available. Submitted materials may not be returned. Generally, matters presented which require further investigation or information shall be referred to staff, and if Council determines that action is required, the item may be placed on a future agenda. Council members will not comment on remarks made during the public comment period.

B. DISCUSSION OF AGENDA ITEMS

- 1. City Manager and/or City Staff:** After the presiding officer calls the particular agenda item for consideration, the City Manager and/or staff shall present any matters in addition to the printed commentary which may be pertinent to the item.
- 2. DURING PUBLIC HEARING (WHEN SET AS REQUIRED BY STATE LAW AND MUNICIPAL CHARTER OR SPECIFICALLY SET ON MOTION OF THE COUNCIL) OR DURING AGENDA ITEM COMMENT**

Maximum Speaking Time: 5:00 minutes followed by a maximum of 5:00 minutes for Council Member questions of speaker

Any persons desiring to address the Council during the public hearing for an agenda item or agenda item comment shall sign-in on a form provided by the City Clerk, providing their name, address and supplemental information; specify the agenda item they wish to address and secure permission from the presiding officer. Remarks shall be directed to the matter being considered. A person will not be allowed to speak without having signed in or by the motion of a Council member and affirmative vote of the Council. Persons addressing the Council should, upon recognition by the presiding officer, approach the microphone and give their name and address in an audible tone of voice for the record at the conclusion of which the speaker's time will begin. Such person shall be entitled to speak one time only on any one subject. All remarks shall be addressed to the Council as a whole and not to any individual member. No person other than the Council and the person having the floor shall be permitted to enter into any discussion, either

directly or through a member of the Council, without permission of the presiding officer. Each speaker is only entitled to the time for which they have signed up and may not reserve or transfer their time to any other speaker. If the speaker fails to follow the rules of decorum the presiding officer may terminate the remainder of the speakers allotted time.

The Council may ask questions of the speaker for the purpose of clarification but shall not enter into a debate of the issue. Council will refrain from asking questions of the speaker until the conclusion of the speaker's presentation. Speakers may supplement their remarks with written or accompanying materials which must be submitted to the City Clerk at the time of signing in to speak. If written materials are submitted it is suggested that twelve copies be made available. Submitted materials may not be returned.

3. DURING SET AGENDA PRESENTATION

Maximum Time will be set by the sponsoring Council Member not to exceed 30:00 minutes

Citizens may request a Council member place an item on the agenda for discussion. If the matter is placed on the agenda, the issue will be introduced by the sponsoring Council member and upon the conclusion of the introduction the presiding officer will recognize the Citizen making the presentation. Interaction by Council members with the presenter and use of electronic media and visual aids is allowed.

Council Members: After the staff and public have presented their views, the City Manager, presiding officer and Council shall proceed to discuss the merits of the issue; this portion of the discussion shall be limited to the City Manager, presiding officer and Council unless the presiding officer or Council determines additional information is needed from the staff or public at that time. Members should only speak after recognition from the presiding officer, and recognition shall not be withheld. If the freedom of debate on an issue will be enhanced the presiding officer shall have the authority to waive this provision.

C. MOTIONS

After preliminary discussion of an agenda item, the presiding officer shall call the matter for determination by the Council.

1. Main Motion: Any Council Member desiring to offer a motion may do so.
2. Seconding Motions: Any Council Member desiring to second motions may do so.

3. Lack of Motion or Second: If no member offers a motion, the presiding officer shall again call for motions; if no motion is presented after the second calling, the presiding officer shall declare the item fails for lack of motion. Similarly, if no one seconds another member's motion, the presiding officer shall declare that the motion fails for lack of a second.
4. Discussion of Motions: Upon a motion having been offered and seconded, the presiding officer shall state the motion and submit it for further discussion by the Council if desired. Debate shall be limited to the merits of the agenda item.
5. Amendments to Motions: A member may move to amend the motion, which shall require a second. An amendment must be germane to the main motion. To avoid confusion, a third amendment shall not be permitted; however, a member may, in the course of debate on the amendment, announce that if the amendment fails, he intends to introduce another amendment and may briefly state the nature and content thereof.
6. Reconsider: A member may move to reconsider a vote on an item. The motion is in order only during the meeting where the original action was made and mover must have voted with the majority.
7. Ordinances: All proposed ordinances shall be in writing and furnished to each Council Member. An ordinance may be considered and debated at the meeting at which it was introduced but it shall not be finally adopted at that meeting except on the affirmative vote of at least six (6) members of the Council. Emergency ordinances are ordinances which, in the judgment of Council, are necessary for the immediate preservation of public peace, health or safety. The declaration of Emergency shall be by separate motion and shall require six (6) affirmative votes for approval.
8. After allowing a reasonable but not unduly lengthy time for debate of the motion, the presiding officer shall put the question to a vote.

Charter, Sec. 2:13, Ordinance in general

D. ROLL CALL VOTES

The clerk shall call the roll of Council Members present, and record each vote. Council members may vote "aye", "nay", or "abstain". A Council Member who refuses to vote or passes shall be recorded as voting "aye" unless that member has a conflict of interest and states in the record the grounds for disqualification. The presiding officer will announce the vote or he shall request the clerk to announce the vote. Amendments shall be voted on prior to the main motion, with secondary amendments voted on prior to primary amendments.

Charter Sec. 2:12

E. NUMBER OF VOTES REQUIRED

A number less than five may adjourn a meeting, however, all other actions of the Council shall require five (5) or more affirmative votes for passage. Exception—ordinances, see subsection B7 above.

Charter Sec. 2:12 (d)

F. PUBLIC HEARING

When the agenda item requires a public hearing, the presiding officer shall request staff comment, allow for questions by the council, open the public hearing, and close the public hearing.

G. STAFF ATTENDANCE

The City Manager, City Clerk, and City Attorney (or their assistants) shall attend all regular and special Council meetings, unless excused by the Council. Attendance of other City Personnel shall be required only when there are agenda items which affect their particular responsibility.

Charter Sec. 2:08

H. JOURNAL (MINUTES)

Minutes of each meeting of the Council shall be prepared by the Clerk and submitted to a subsequent Council meeting for approval. The minutes shall summarize the Council's deliberations and record the action of the Council on each item. The Clerk shall maintain a record of the approved minutes.

Charter Sec. 2:08

I. CITIZENS PARTICIPATION

Citizen participation shall be governed by the "Citizen Participation Guidelines and Rules of Decorum", Ordinance No. 3779-A, codified at Section 2-29 of the Muskogee Code of Ordinances and is attached to this policy as Exhibit "B". Any person desiring to speak shall enter their name on the sign in sheet provided by the City Clerk and secure permission from the presiding officer, City Code Sec. 2-29 (d)(1).

J. ROBERT'S RULES OF ORDER

Except as otherwise provided by ordinance or those rules, the most recent edition of Robert's Rules of Order, shall govern the proceedings. City Code Sec. 2-20 (g)

EXHIBIT "B"

ORDINANCE NO. 3908-A

AN ORDINANCE AMENDING THE MUSKOGEE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE II, MUNICIPAL GOVERNMENT ORGANIZATION, SECTION 2-29 TITLED, "COUNCIL PARTICIPATION GUIDELINES AND RULES OF DECORUM," EXPANDING PUBLIC PARTICIPATION OPPORTUNITIES AT COUNCIL AND COMMITTEE MEETINGS OF THE COUNCIL; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Muskogee City Council recognizes the value of and wants to encourage the open discussion of all points of view regarding issues which come before it; and

WHEREAS, it is not the intent of the Muskogee City Council to unreasonably impede a citizen's right to freedom of speech or right to participate in a City Council Meeting; and

WHEREAS, the Muskogee City Council realizes it must maintain order and proper decorum to conduct its meetings and provide an atmosphere which invites the public to participate in its meetings; and

WHEREAS, disruptive, monopolizing, unruly, insulting, or disrespectful behavior towards Councilors, speakers, or others is not constructive discourse and hampers the free and meaningful exchange of ideas; and

WHEREAS, this ordinance sets forth the parameters of acceptable behavior and is meant to encourage and enhance citizen participation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THAT ARTICLE II OF THE MUSKOGEE CITY CODE BE AND THE SAME IS HEREBY AMENDED SECTION 2-29 TO READ AS FOLLOWS:

Section 1. That Sec. 2-29. - Citizen participation guidelines and rules of decorum is hereby amended to read as follows:

- (a) *[Purpose.]* The City of Muskogee values your opinion and invites you to address the city council on any matter of interest to you or your community. Towards that end, the governing body seeks to be available and approachable for citizen input. Rules of decorum exist that are used to govern time, place and manner of expression to ensure orderly conduct of business and responsiveness to your concern.

- (b) *Basic requirements.*

- (1) While the council is in session, all persons are charged with preserving order and decorum. While civic participation and debate are welcome and encouraged, derogatory personal, impertinent, or slanderous remarks, or becoming unduly boisterous is not.
 - (2) Every person desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under consideration, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate:
 - a. We may disagree, but we will be respectful of one another.
 - b. All comments will be directed to the issue at hand.
 - c. Personal attacks shall be avoided.
 - d. Display of placards, banners and signs by the public must not exceed 2 ft. X 3 ft. in size and shall not be permitted if same block or interfere with the ability of others to observe the proceedings.
 - e. Obscene and inappropriate language shall be avoided
 - f. Each person's opinions and ideas are valuable and their right to present them shall be respected
 - (3) Where applicable, these rules shall apply to all City Council, Public Works, Finance Meetings and any other bodies comprised solely of elected council members. Where applicable, these rules shall apply to all Municipal Committee meetings,, with the committee chairperson serving as the presiding officer.
- (c) *Duties of presiding officer.* The Mayor (or in the Mayor's absence, the Deputy Mayor) shall be the presiding officer of the council. In the absence of the mayor and the Deputy Mayor, the city clerk or deputy city clerk shall call the council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the council who are present. Upon the arrival of the mayor or the Deputy-Mayor, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the council. The presiding officer shall preserve order and decorum at all meetings of the council, announce the council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the council as a whole shall decide the question by majority vote.
- (d) *Addressing council from floor.*

Maximum Time: 3:00 minutes

Public comment period will only be held during regularly scheduled meetings of the Public Works Committee and City Council. Any persons desiring to address the Council during the public comment period shall sign-in with the City Clerk, providing their name, address and supplemental information; specify the issue they wish to address and secure permission from the presiding officer. A person will not be allowed to speak without having signed in. Persons addressing the Council should, upon recognition by the presiding officer, approach the microphone and give their name and address in an audible tone of voice for the record at the conclusion of which the speaker's time will begin. Such person shall be entitled to speak one time only on any one subject. All remarks shall be addressed to the Council as a whole and not to any individual member. Each speaker is only entitled to the time for which they have signed up and may not reserve or transfer their time to any other speaker. If the speaker fails to follow the rules of decorum the presiding officer may terminate the remainder of the speakers allotted time.

Speakers may supplement their remarks with written or accompanying materials which must be submitted to the City Clerk at the time of signing in to speak. If written materials are submitted it is suggested that twelve copies be made available. Submitted materials may not be returned. Generally, matters presented which require further investigation or information shall be referred to staff, and if Council determines that action is required, the item may be placed on a future agenda. Council members will not comment on remarks made during the public comment period.

2. **DURING PUBLIC HEARING (WHEN SET AS REQUIRED BY STATE LAW AND MUNICIPAL CHARTER OR SPECIFICALLY SET ON MOTION OF THE COUNCIL) OR DURING AGENDA ITEM COMMENT**

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The Council may ask questions of the speaker for the purpose of clarification but shall not enter into a debate of the issue. Council will refrain from asking questions of the speaker until the conclusion of the speaker's presentation. Speakers may supplement their remarks with written or accompanying materials which must be submitted to the City Clerk at the time of signing in to speak. If written materials are submitted it is suggested that twelve copies be made available. Submitted materials may not be returned.

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Maximum Time will be set by the sponsoring Council Member not to exceed 30:00 minutes

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(2) *Electronic media, visual aids and special accommodations.*

- a. Use of Electronic media and visual aids is limited to presentations of agenda items and shall not be used during public hearing, agenda comment or public comment periods. Any person wishing to make use of audio or visual records during the course of their presentation to Council, or requiring special accommodations such as use of City equipment, alteration of the layout of Council chambers, or staff assistance, shall notify the City Clerk with such request at least 3 business days prior to the scheduled meeting time. The decision to grant or deny such requests shall be at the sole discretion of the presiding officer.
- b. The foregoing shall not apply to accommodations required as a result of blindness, deafness or other physical disability.

(e) *Enforcement.*

- (1) The chief of police (or representative) shall act as ex-officio sergeant-at-arms of the council. The police chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum in the council chambers.
- (2) Upon instructions of the presiding officer it shall be the duty of the sergeant-at-arms or any police officer present to remove from the council chambers any person in the audience who uses boisterous or profane language, or language tending to bring the council or any council member into contempt, or any person who interrupts and refuses to keep quiet or take a seat when requested to do so by the presiding officer, refuses to abide by the rules of decorum or otherwise disrupts the proceedings of the council.
- (3) Any such individual removed from the meeting shall be required to leave the public property upon which the meeting is held, including any adjacent parking lots, and not re-enter thereon for three hours after the meeting is adjourned.

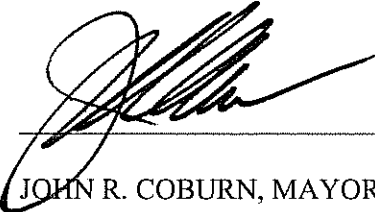
SECTION 2: REPEALER. All ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

SECTION 3: SEVERABILITY. Should any part, section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void or unconstitutional any other section, subsection, sentence,

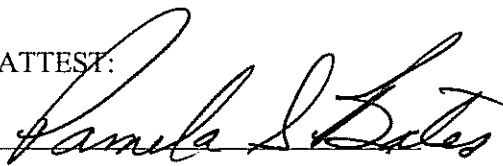
provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its publication as provided by law.

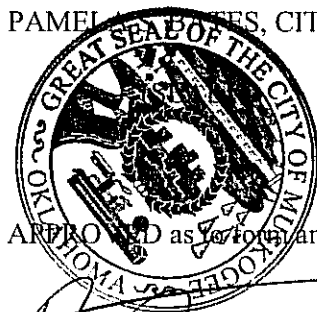
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS 26th Day of November, 2012.




JOHN R. COBURN, MAYOR

ATTEST:


PAMELA S. BATES, CITY CLERK



APPROVED as to form and legality this 26 day of November, 2012



ROY D. TUCKER, CITY ATTORNEY

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3. DURING SET AGENDA PRESENTATION

Maximum Time will be set by the sponsoring Council Member not to exceed 30:00 minutes

Citizens may request a Council member place an item on the agenda for discussion. If the matter is placed on the agenda, the issue will be introduced by the sponsoring Council member and upon the conclusion of the introduction the presiding officer will recognize the Citizen making the presentation. Interaction by Council members with the presenter and use of electronic media and visual aids is allowed.

- (2) *Electronic media, visual aids and special accommodations.*

- a. Use of Electronic media and visual aids is limited to presentations of agenda items and shall not be used during public hearing, agenda comment or public comment periods. Any person wishing to make use of audio or visual records during the course of their presentation to Council, or requiring special accommodations such as use of City equipment, alteration of the layout of Council chambers, or staff assistance, shall notify the City Clerk with such request at least 3 business days prior to the scheduled meeting time. The decision to grant or deny such requests shall be at the sole discretion of the presiding officer.
- b. The foregoing shall not apply to accommodations required as a result of blindness, deafness or other physical disability.

(e) *Enforcement.*

- (1) The chief of police (or representative) shall act as ex-officio sergeant-at-arms of the council. The police chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum in the council chambers.
- (2) Upon instructions of the presiding officer it shall be the duty of the sergeant-at-arms or any police officer present to remove from the council chambers any person in the audience who uses boisterous or profane language, or language tending to bring the council or any council member into contempt, or any person who interrupts and refuses to keep quiet or take a seat when requested to do so by the presiding officer, refuses to abide by the rules of decorum or otherwise disrupts the proceedings of the council.
- (3) Any such individual removed from the meeting shall be required to leave the public property upon which the meeting is held, including any adjacent parking lots, and not re-enter thereon for three hours after the meeting is adjourned.

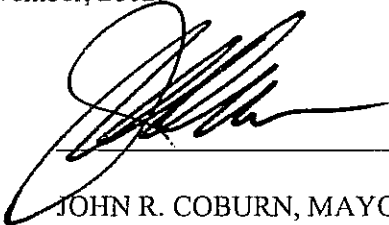
SECTION 2: REPEALER. All ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

SECTION 3: SEVERABILITY. Should any part, section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void or unconstitutional any other section, subsection, sentence,

provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS 26th Day of November, 2012.



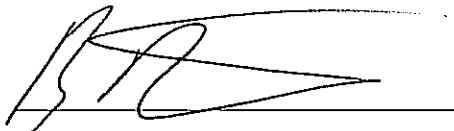
JOHN R. COBURN, MAYOR

ATTEST:


PAMELA S. BATES, CLERK



APPROVED AND LEGALITY this 26 day of November, 2012



ROY D. TUCKER, CITY ATTORNEY