

Rules of Order

Preamble

- a. Purpose. The purpose of these rules is to foster debate and discussion in an orderly manner, not to suppress honest discussion with excessive formality. Without rules, confusion and disorderly proceedings would hamper all City action, no matter how well intended. Rules allow City business to be conducted as efficiently as possible, protect minority groups by giving every person a chance to be heard, prevent discussion of multiple topics at once, and allow decisions to be made by majority rule.
- b. Rights of the City Council and/or Board/Commission members. All City Council Members and/or Board/Commission members are equal and have the same rights to make motions; object to motions in a timely manner; participate in debate; have their votes counted; and speak, when recognized, free of interruption.
- c. Obligations of the City Council and/or Board/Commission members.
 1. The rights of individual City Council Members and/or Board/Commission members cannot be realized unless all City Council Members and/or Board/Commission members also recognize their obligations as members of their respective body. City Council Members and/or Board/Commission members are obligated to receive the recognition of the chair before speaking, except as otherwise provided by these rules and consistent with applicable ordinances. No one has the right to speak at whim. City Council Members and/or Board/Commission members are obligated to speak directly on the subject being considered and observe time limits for comment. Finally, City Council Members and/or Board/Commission members are obligated to address all remarks to the presiding officer, avoid personal attacks, and refrain from using any insulting or demeaning language or indecent or threatening behavior.
 2. Inherent in the duties of holding public office and/or appointment to a Board/Commission is participation in meetings and that includes voting. City Council Members and/or Board/Commission members have a general duty and obligation by virtue of holding public office and/or appointment to vote on business that comes before their respective body, unless a City Council Member and/or Board/Commission member has a disqualifying conflict of interest or other conflict of interest, which either requires abstention or for which the City Council Member and/or Board/Commission member desires to abstain, for example, in order to avoid the appearance of impropriety.
 - i. While a City Council Member and/or Board/Commission member has a duty to vote on matters before their respective body, a City Council Member and/or Board/Commission member cannot be compelled to vote on such a matter, and a City Council Member and/or Board/Commission member should not vote on a matter

upon which the City Council Member and/or Board/Commission member has a disqualifying conflict of interest.

- ii. City Council Members and/or Board/Commission members who have a disqualifying conflict of interest are generally excluded when counting the number of votes needed to approve an action by a supermajority vote. Although City Council Members and/or Board/Commission members may be tempted to abstain from voting on a controversial matter, they should remember that the abstention will ultimately tend to pass or defeat the matter. The best advice is to avoid the kinds of problems that can arise from abstentions and vote, unless an abstention is required because a City Council Member and/or Board/Commission member has a personal interest in the matter or some other disqualifying conflict of interest.
- iii. If any City Council Member and/or Board/Commission member, being present, chooses not to vote, the City Council Member and/or Board/Commission member shall verbally state "Present - Not Voting" and the minutes shall reflect this action.

Rule 1. Motions.

All formal actions of City Council and/or Board/Commissions must be by motion. A City Council Member and/or Board/Commission member may make only one motion at a time.

Rule 2. Language for making a motion.

The appropriate language for making a motion shall be substantially similar to "I move to _____."

Rule 3. Procedure for consideration of a motion.

A motion must be seconded. Once a motion has been made and seconded, the presiding officer shall restate the motion and (if applicable) open the motion up for debate, provided that the presiding officer determines that the motion is in order and no objections to the motion have been made pursuant to Rule 4. A motion is in order if it is made at a proper time in the proper format and does not violate any applicable rules of law, charter, ordinance, or City policy, including City policies on decorum and civility, and is not made for the purpose of unduly delaying the proceedings. Debate shall follow the procedures in Rule 5. Once debate has concluded, the presiding officer shall restate the motion and call for a vote on the issue. A motion shall be considered passed if it receives a majority vote of those present at the meeting, unless otherwise required by law. A resolution or ordinance shall be considered passed if it receives a majority vote of all City Council Members and/or Board/Commission members (4), unless otherwise required by law.

Rule 4. Objections to a motion.

- a. Any member of the City Council and/or Board/Commission may make an objection to a motion if the objector believes the motion is not in order. A motion is in order if it is made at a proper time, in the proper format and does not violate any applicable rules of law, charter, ordinance, or City policy, including City policies on decorum and civility, and is not made for the purpose of unduly delaying the proceedings.

- b. An objection to a motion must be made immediately following the motion and at no other time. The objector does not need to be recognized by the presiding officer in order to voice their objection. The appropriate language for making an objection shall be substantially similar to “I object to the motion as being out of order, and call for a ruling by the presiding officer.”
- c. A motion may be objected to as not being made at a proper time if the motion was made by a person not called upon by the presiding officer to speak, or if it does not follow the agreed upon agenda for the meeting.
- d. The presiding officer shall determine whether the motion is in order.
- e. In determining whether the motion is in order, the presiding officer shall let the objector to the motion speak once explaining the objector’s position. Next, the presiding officer shall let the maker of the motion speak once to answer the concerns of the objector. Then the presiding officer shall make a formal ruling as to whether the motion was in order.
- f. If the motion is ruled out of order, the motion shall not be considered. If the motion is ruled in order, the presiding officer shall open the motion for debate (if applicable).
- g. The presiding officer’s ruling may be appealed as provided in Rule 7.

Rule 5. Debate.

Generally only one motion may be considered at a time in debate. Once a motion has been made, the presiding officer shall restate the motion and open the motion for debate, if the motion is debatable. The presiding officer shall conduct the debate in accordance with the following:

- a. For initial comments, all comments shall be limited to five (5) minutes. For subsequent comments, all comments shall be limited to two (2) minutes.
- b. The maker of the motion shall be permitted to speak first on the issue.
- c. Everyone who wishes to speak on the issue must be permitted to speak once, before City Council Members and/or Board/Commission members who have already spoken are permitted to speak again.
- d. City Council Members and/or Board/Commission members shall avoid repeating points already made in the debate or other duplicative conduct that may delay the proceedings. Where a point has already been made, City Council Members and/or Board/Commission members may affirm agreement or disagreement.
- e. Generally only one motion may be considered at a time in debate. Debate may only be interrupted by a motion to:
 - 1. amend the original motion,
 - 2. take a brief recess,
 - 3. withdraw the motion by the motion’s maker,

4. divide a complex question,
5. defer consideration to a later date,
6. refer an issue to committee,
7. motion for the previous question,
8. limit debate,
9. for a point of order.
10. When debate is interrupted by any of these motions, the interrupting motion shall be resolved prior to resuming debate.

Rule 6. Definitions of motions that may interrupt debate (secondary motions).

As explained in Rule 5, only certain motions may interrupt debate on a motion. These are called secondary motions. When a secondary motion is made, the presiding officer must follow the same procedures in Rule 3 to consider the secondary motion. A secondary motion must be resolved, either by being ruled out of order by the presiding officer or debated and voted upon by the City Council and/or Board/Commission members, before debate on the main motion can resume. Secondary motions may also be made outside of debate, where appropriate. For example, a motion to take a brief recess can be made before, during, or after a debate.

- a. Motion to amend the original motion. The maker of the motion does not need to consent to a motion to amend. However, the maker of the motion may vote against the amendment or withdraw their motion via a motion to withdraw prior to any amendment being approved.
 1. Only two amendments may be made to an original motion to avoid confusion.
 2. The amendments should be voted on in reverse order, with the last amendment being voted upon first.
 3. To avoid confusion, complex language should be put in writing.
 4. A motion may not be amended so substantially as to essentially reject the original motion, though different language may be proposed so as to entirely substitute for the original language.

The appropriate language for making a motion to amend shall be substantially similar to “I move to amend the motion by inserting between . . . and . . .” or “I move to amend the motion by adding after . . .” or “I move to amend the motion by striking out . . .” or “I move to amend the motion by striking out . . . and inserting . . .” or “I move to amend by striking out the motion . . . and substituting the following.”

- b. Motion to take a brief recess is not a motion to adjourn or continue the meeting to another time or place. Instead, it is a motion to take a brief respite no greater than 20 minutes. If a motion to take a brief recess is granted, the presiding officer may set a time for the meeting to resume. In addition, the presiding officer is authorized to call for a brief recess on the presiding officer’s own initiative, without a vote, to maintain order in the meeting.

The appropriate language for making a motion to recess shall be substantially similar to “I move to take a brief recess for ____ minutes.”

- c. Motion to withdraw a motion is not subject to debate, and it can only be made by the motion’s maker before a motion is amended.

The appropriate language for making a motion to withdraw shall be substantially similar to “I move to withdraw my motion.”

- d. Motion to divide a complex question may be used for complex items of business. It allows the City Council to break larger questions into smaller parts, which are considered separately.

The appropriate language for making a motion to divide a complex question shall be substantially similar to “I move to divide the question into ___ parts. Part 1 shall be ____.. Part 2 shall be ____.

- e. Motion to table or defer consideration to a later date is not subject to debate. It may be used to defer or delay consideration of a matter.

The appropriate language for making a motion to defer consideration shall be substantially similar to “I move to defer consideration of the main motion/this item until _____.”

- f. Motion to refer an issue to committee is not subject to debate. It may be used to refer an issue to a City committee, such as the park board or planning commission, for their report. The motion should contain an expected receipt day for the report.

The appropriate language for making a motion to refer an issue shall be substantially similar to “I move to refer the main motion/this issue to the ___ committee for its consideration and recommendation. The committee should report back to the City Council in ___ days/weeks.”

- g. Motion for call of the previous question is not subject to debate. It may be used only after at all members of the City Council and/or Board/Commission have been permitted to speak at least once on the motion. If approved by a super majority (5 of 7), a vote must be taken on the motion under debate immediately. Vote required –super majority (5 of 7).

The appropriate language for making a motion to call the previous question shall be substantially similar to “I move to call the previous question” or “I move for an immediate vote on this issue.”

- h. Motion to limit debate is not subject to debate. It may be used to establish time limits for debate.

The appropriate language for making a motion to limit debate shall be substantially similar to “I move to limit debate on this issue to ___ minutes per person” or “I move to limit City Council and/or Board/Commission debate on this issue to no more than _____ minutes total.” Vote required –super majority (5 of 7).

- i. Motion for a point of order is not subject to debate. It may be used to signal to the presiding officer that the Council Member and/or Board/Commission member feels the proceedings have gotten disorderly.

The appropriate language for making a motion for a point of order shall be substantially similar to “I move for a point of order by the presiding officer.”

NOTE: Most secondary motions should not literally interrupt debate. They may not be made in the midst of the comments of a speaker duly recognized by the presiding officer, or silence the speaker’s speech. To make a secondary motion, the maker must be called upon and recognized by the presiding officer. There are two exceptions to this rule—a motion for a call of the previous question and a motion for a point of order. These motions may be made at any time—even in a manner that interrupts a speaker. However, these motions should be made only in the rare instance where a meeting has become out of control, strayed from the agenda, or become disorderly.

Rule 7. Appealing procedural decisions of the presiding officer.

- a. Any member of the City Council and/or Board/Commission may appeal to the full City Council a ruling on order or procedure made by the presiding officer.
- b. Procedure for appeals. An appeal is made by motion. A second is needed for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain the presiding officer’s ruling, but no other City Council Member and/or Board/Commission member may participate in the discussion. Note: This procedure matches City Code Sec. 2-58(c) pertaining to City Council.
- c. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the City Council and/or Board/Commission as a whole.
- d. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.

Rule 8. Other special motions explained.

- a. Motion to adjourn is not subject to debate. It may be used to suggest a conclusion to the meeting. The presiding officer may adjourn a meeting on the presiding officer’s own initiative, without a vote, if necessary to maintain order.

The appropriate language for making a motion to adjourn shall be substantially similar to “I move to adjourn the meeting.”

- b. Motion to go into closed session may be used to close the meeting pursuant to the Minnesota Open Meeting Law. When the motion is made, the basis for closing the meeting and the applicable law must be stated into the record. The presiding officer may also close the meeting on the presiding officer’s own initiative, without a City Council and/or Board/Commission vote, if closing the meeting is mandatory under the law or if directed by the City Attorney.

The appropriate language for making a motion to go into closed session shall be substantially similar to “I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law.”

- c. Motion to leave a closed session may be used to conclude a closed session and return to an open meeting.

The appropriate language for making a motion to leave a closed session shall be substantially similar to “I move to open the meeting.”

- d. Motion to revive consideration of an issue may be used to request consideration of an issue previously tabled, deferred, or referred to committee at any prior meeting.

The appropriate language for making a motion to revive shall be substantially similar to “I move to revive consideration of _____ previously tabled/deferred/referred to committee.”

- e. Motion to reconsider may be made only at the same meeting where the issue was originally considered and voted upon. It may be made only by a person on the prevailing side of an issue. In the event of a tie vote, those voting against the issue shall be considered the prevailing side.

The appropriate language for making a motion to reconsider shall be substantially similar to “I move to reconsider _____.”

- f. Motion to rescind or repeal may be made at any meeting following the meeting where the issue was originally considered and voted upon. It may be made by any City Council Member and/or Board/Commission member, whether or not the maker was on the prevailing side. It may not be made when prevented by law or where substantial reliance on the City Council’s and/or Board/Commission’s previous decision has occurred (for example, in the area of contracts or hiring/termination of employees).

The appropriate language for making a motion to reconsider shall be substantially similar to “I move to rescind/repeal the City Council’s and/or Board/Commission’s previous action related to _____ as stated in resolution number _____.”

- g. Motion to prevent reintroduction of an issue for _____ months is not subject to debate. It may be used to limit discussion of an issue that has been raised and/or moved for reconsideration several previous times.

The appropriate language for making a motion to prevent reintroduction shall be substantially similar to “I move to prevent reintroduction of this issue for _____ months.”

- h. Motion to suspend the rules or to consider a motion informally should be used sparingly on issues likely to be uncontroversial. Complex motions and resolutions should still be put in writing. This motion may permit informal discussion of an issue (such as a roundtable discussion, brainstorming session, visioning session, etc.) where appropriate.

The appropriate language for making a motion to proceed informally shall be substantially similar to “I move that we suspend the rules and proceed informally in discussing the issue of _____.” Vote required –super majority (5 of 7).

Rule 9. Robert's Rules.

These model rules are designed specifically for Minnesota City Councils. Further, these rules were drafted to be an appropriate level of regulation and formality for smaller governing bodies typically seen in Minnesota cities. Robert's Rules of Order will be used in the event that further guidance is needed. Where a situation arises that is not addressed by these rules, the intent of these rules, as expressed in the preamble, should be effectuated by the presiding officer, in consultation with the City Attorney.