



## Request for City Council Committee Action From the City Attorney's Office

Date: December 6, 2004  
To: Rules Committee  
Referral to: None

**Subject:** Amendments to the City Council Rules

**Recommendation:** That the Rules Committee recommends that the City Council adopt the attached amendments to City Council Rules 1, 2, 3, 4, 10, 11, 12, 14, 18, and add a new Rule 21 as set forth in the attached amendments.

**Previous Directives:** None

Prepared by: Jay M. Heffern, City Attorney, 673-3272

Approved by: \_\_\_\_\_  
Jay M. Heffern  
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

**Financial Impact** (Check those that apply)

No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

Other financial impact (Explain):

Request provided to the Budget Office when provided to the Committee Coordinator

**Community Impact** (use any categories that apply)

Neighborhood Notification

City Goals

Comprehensive Plan

Zoning Code

Other

## **Background/Supporting Information Attached**

From time-to-time, the City Council's rules have been amended to address procedural issues that arise, clarify ambiguities in the adopted rules, and conform the language of the rules to actual practice. Attached are a series of proposed amendments which amend the current City Council rules to accomplish these purposes:

### Rule 1:

There are three amendments to Rule 1. The first amendment changes Rule 1B to conform the time of the regular Committee of the Whole meetings from 9:30 a.m. to 10:00 a.m., the time the committee meets. The amendment to Rule 1F conforms the capitalization of "council" in accordance with the City's style book. Rule 1G is a new proposal. It is designed to ensure that matters that have been on the "Unfinished Business" portion of the City Council agenda for a period of time be returned to the appropriate standing committee so that the standing committee may further consider the matter.

### Rule 2:

The amendment to Rule 2A conforms the language of the rule to the language in the Minnesota Open Meeting Law. Further, the deleted portion of Rule A is recommended by the City Clerk and City Attorney because it is unclear how this provision would be applied

### Rule 3:

The amendment to Rule 3A conforms the language of Rule 3A to the "majority vote" standard in the Minnesota Open Meeting Law. The proposed new language in Rule 3G is intended to make clear that committees are expected to make a recommendation to the City Council for the Council's consideration. The deleted portion of Rule 3G is recommended because the practice is inefficient and unnecessary in an "email age".

### Rule 4:

Rule 4D is proposed to be deleted because it is inconsistent with the current practice in Committee of the Whole meetings. Votes are not taken at regular Committee of the Whole meetings.

### Rule 10:

The amendment to Rule 10C deletes language in the City Council's rules which is inconsistent with the Minnesota Official Records Act, the City's record retention plan, and the current practice in the City Clerk's office.

### Rule 11:

The amendment to Rule 11C adds "vice-chairs" to the authority for temporary appointments.

Rule 12:

The proposed amendments to Rule 12 add "adoption of agenda" as the first order of business at City Council meetings and clarifies the language of various other provisions.

Rule 14:

The proposed amendment to Rule 14B arises because of concerns regarding printed material which is brought by members of the public to regular or special council meetings. The proposed language would allow distribution of such printed material if the materials are provided to the City Clerk prior to the start of a regular or special council meeting. Further, the proposed amendment requires that there be sufficient number of copies for the Mayor, City Council members, City Attorney, City Clerk and members of the public as required by the Minnesota Open Meeting law. Finally, the proposed amendments to Rule 14B make it clear that members of the public may not distribute printed material at regular or special council meetings for matters that are subject of a quasi-judicial proceeding.

Rule 18:

The proposed amendment to Rule 18 codifies the practice of placing notices on the agenda for regular or special meeting to meet the notice requirement of the rule. This proposed change is consistent with *Roberts Rules of Order* and previous advice from the City Attorney's Office.

Rule 21:

The current City Council rules do not include a provision regarding how the rules are amended. The proposed Rule 21 allows the rules to be amended at a regular council meeting of the City Council by a two-thirds vote provided that the City Council's Rules Committee has made a recommendation regarding the proposed amendment(s) prior to the City Council's consideration of the amendment (s).