



City of Paynesville

By Laws Summary and Rules of Order

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City Council Bylaws

- I. **AUTHORITY.** City councils are authorized to adopt rules of procedure and provide for order at their meetings pursuant to Minn. Stat. § 412.191.
- II. **PURPOSE.** The purpose of this policy on city council meetings is to set the groundwork for orderly and respectful communications between and among councilmembers, city staff, and citizens to promote the efficient working of the public's business at city council meetings.
- III. **THE OPEN MEETING LAW.** The Minnesota Open Meeting Law, Minn. Stat. ch. 13D, generally requires that all meetings of public bodies be open to the public.
 - A. This presumption of openness serves three basic purposes:
 - 1. To prohibit actions from being taken at a secret meeting, where it is impossible for the interested public to become fully informed concerning decisions of public bodies, or to detect improper influences.
 - 2. To ensure the public's right to be informed.
 - 3. To afford the public an opportunity to present its views to the public body.
 - B. The city council views providing and encouraging citizen access to city meetings as one of its most important duties. As a result, all council and council committee meetings, including special and adjourned meetings, with the exception of closed meetings, as provided by Minn. Stat. ch. 13D, shall be open to the public.
 - C. In calculating the number of days for providing notice under the Minnesota Open Meeting Law, the first day that the notice is given is not counted, but the last day is counted. If the last day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation and the following day is considered the last day (unless, it happens to be a Saturday, Sunday, or legal holiday).
 - D. In keeping with the intent of the Minnesota Open Meeting Law, city councilmembers shall not use any form of electronic communications technology, such as text messaging or e-mail, to communicate with one another or third parties during a public meeting in a manner that is hidden or shielded from the public view.
 - E. Pursuant to Minn. Stat. § 13D.01, subd. 6, at least one copy of the written materials made available to council at or before the meeting shall also be made available for inspection by the public, excluding any non-public data, attorney-client privileged data, or materials related to agenda items of closed meetings.

IV. **QUORUM.** A simple majority (3) of the council shall constitute a quorum for the valid transaction of any scheduled business to come before the council.

V. **COUNCIL MEETINGS.**

- A. **Location.** All meetings, including special, recessed, and continued meetings, shall be held in the city council chambers, unless otherwise designated, pursuant to Minn. Stat. § 13D.04, subd. 2.
- B. **Regular meetings.** A schedule of regular meetings shall be kept on file with the city clerk.
- C. **Special meetings.** A special meeting is a meeting that is held at a time or location different from that of a regular meeting. A special meeting may be called by the mayor or any two city councilmembers by filing a request for the meeting at least three days before the meeting. Days shall be counted as provided in III-C. Notice to the public of special meetings must be given pursuant to Minn. Stat. § 13D.04, subd. 2.
- D. **Emergency meetings.** An emergency meeting may be called by the mayor or any two city councilmembers. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. Posted or published notice of an emergency meeting is not required. However, the city will make a good faith effort to notify each news outlet that has filed a written request for notice. Notice must be given by telephone or any other method to notify members of the public body. The notice must include the subject of the meeting.
- E. **Closed meetings.** The Minnesota Open Meeting Law allows some meetings to be closed to the public for defined purposes. When a meeting is closed, the presiding officer at the council meeting will state the reason for closing the meeting on the record and cite the state statute that permits closure.
- F. **Recessed or continued meetings.** When a meeting is recessed or continued, the presiding officer shall state the time and place for the next meeting to occur pursuant to Minn. Stat. § 13D.04, subd 4. The time and place shall be noted in the minutes. If the time and place is stated and noted in the minutes, no additional notice of the meeting is required. However, if the time and place is not stated, the notice procedures for special meeting shall be required.
- G. **Organizational meetings.** The council will conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:
 - 1. Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
 - 2. Select an official newspaper pursuant to Minn. Stat. § 412.831.
 - 3. Select an official depository for city funds. This must be done within 30 days of the start of the city's fiscal year pursuant to Minn. Stat. §§ 427.01-.02; 118A.02, subd 1; 427.09.
 - 4. Review council's bylaws and make any needed changes.
 - 5. Assign committee duties to members.
 - 6. Approve official bonds that have been filed with the clerk.

- VI. PRESIDING OFFICER.** The mayor shall preside at all meetings of the city council.
- A. **Role of the presiding officer.** The presiding officer shall preserve order, enforce the City Council Rules of Order and Procedure as adopted in VII, and determine, without debate, all questions of procedure and order, subject to the final decision of the council on appeal as provided in VI-D. The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order.
 - B. **Adjourning meetings.** If considered necessary, because of grave disorder, the presiding officer may adjourn or continue the meeting to another time or suspend the meeting for a specified time.
 - C. **Designation of a sergeant-at-arms.** The presiding officer may request that local law enforcement designate a member to serve as a sergeant-at-arms at city council meetings. The sergeant-at-arms shall carry out all orders or instructions given by the presiding officer for the purpose of maintaining order and decorum at meetings.
 - D. **Motions and voting.** The presiding officer may make motions, second motions, speak on any questions, and vote on any matter properly before the council.
 - E. **Absences of the presiding officer.** In the absence of the mayor, the acting mayor shall preside. In the absence of both the mayor and the acting mayor, the city administrator shall call the meeting to order. The first order of business shall be to select a presiding officer for the meeting from the members present. The city administrator shall preside until the councilmembers present choose a member to act as presiding officer.
 - F. **Appeals of rulings of the presiding officer.** Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.
 - 1. **Procedure for appeals.** An appeal is made by motion. No second is need 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 his or her ruling, but no other councilmember may participate in the discussion.
 - 2. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.
 - 3. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.
 - G. **Temporary designation of a presiding officer.** The presiding officer may choose to designate a temporary presiding officer before participating in debate on a given matter. In the alternative, the council may by majority vote designate a temporary presiding officer to preside over the debate on a given matter. The presiding officer shall resume presiding as soon as action on the matter is concluded.
- VII. RULES OF ORDER AND PROCEDURE.** The proceedings of the city council shall be conducted in accordance with the following Rules of Order for City Councils.

VIII. DECORUM OF COUNCILMEMBERS.

- A. **Aspirational statement:** All councilmembers shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.
- B. **Aspirational statement:** No councilmember shall engage in conduct which delays or interrupts the proceedings or which hinders honest, respectful discussion and debate.
- C. **Aspirational statement:** City council meetings shall be conducted in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.
- D. To effectuate these aspirational goals, city councilmembers shall conduct themselves at council meetings in a manner consistent with the following:
 - 1. No councilmember shall engage in private conversation or pass private messages while in the chamber in a manner so as to interrupt the proceedings of the council.
 - 2. No councilmember shall leave his or her seat or make any noise of disturbance while a vote is being taken and until the result of the vote is announced.
 - 3. No councilmember shall use profane or obscene words or unparliamentary language or use language that threatens harm or violence toward another person during a council meeting.
 - 4. No councilmember shall speak on any subject other than the subject in debate.
 - 5. No councilmember shall speak without being recognized by the chair; nor shall any councilmember interrupt the speech of another councilmember.
 - 6. No councilmember shall disobey the City Council Rules of Order and Procedure adopted in VII or a decision of the presiding officer on questions of order or practice or upon the interpretation of the rules of council.
 - 7. No councilmember shall engage in disorderly conduct that disturbs or disrupts the orderly conduct of any meeting.

IX. VOTING.

- A. The votes of the city council will be taken by voice vote. The presiding officer shall announce the results of all votes of the council.
- B. A clear statement of the matter being voted upon and the names of those voting for and against the matter shall be recorded in the official minutes.
- C. Councilmembers may ask for a roll call of the vote by the administrator on any motion or resolution.
- D. The administrator may ask for a verification roll call if the vote of a councilmember is not clear on the voice vote.
- E. A majority vote of the quorum present shall be sufficient for all matters before the council, unless otherwise provided by state law.
- F. Whenever a matter is put forward for a vote, every councilmember shall vote, unless a bona fide conflict of interest, as defined by state law, exists.

X. MEETING SCHEDULE.

- A. Each meeting of the council shall convene at the time and place appointed. All public hearings shall commence at the advertised time.
- B. Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the council. The prepared agenda may also be altered by the presiding officer to accommodate the advertised time of a public hearing.

XI. ORDER OF BUSINESS. The order of business for all council meetings shall be:

- A. Call to order.
- B. Pledge of Allegiance.
- C. Council Activity Reports.
- D. Staff Reports.
- E. Consent agenda. Includes but is not limited to minutes and vouchers.
- F. Public hearings (when scheduled).
- G. New Business
- H. Old (unfinished) business.
- I. Informational.
- J. Adjournment.

XII. AGENDA. An agenda will be prepared for all regular council meetings by the city administrator. Agenda items may be placed by city councilmembers and city staff. Members of the public wishing to place items on the agenda shall deliver it in writing. When a special meeting is called, the agenda must be included in the request for the meeting and in the publication of the notice of the meeting pursuant to Minn. Stat. § 13D.04, subd. 2.

- A. All requests to place an item on the agenda must be received by the city administrator by the Tuesday at 10:30 a.m. prior to the next council meeting.
- B. All requests to place an item on the agenda must be in writing. The request should be completed with the goal of clearly describing the subject matter to be considered by council and any action requested or required. Supporting information may be attached.
- C. All requests to place an item on the agenda by city staff must be reviewed by the city administrator.
- D. The agenda, along with information materials, will be emailed, mailed or delivered to all city councilmembers and the city attorney at least 3 days prior to the next council meeting.

XIII. CONSENT AGENDA. A consent agenda may be used to improve the efficiency of meetings. The consent agenda allows council to consider several items at one time. Only one motion is necessary to approve all items on the consent agenda.

- A. Items that require findings of fact or an explanation of council actions, such as land use matters should generally not be placed on the consent agenda.
- B. An item on the consent agenda may be removed from consideration by the request of any one councilmember. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.

XIV. MINUTES. Minutes constitute a vital record of the city and are the best means of preserving city council intent, findings of fact, and action. Pursuant to Minn. Stat. § 412.151, the city clerk must keep a minute book.

- A. The minutes shall contain at minimum:
 - 1. The city councilmembers who are present.
 - 2. Type of meeting (regular, special, continued, emergency).
 - 3. Date and place the meeting was held.
 - 4. Time the meeting was called to order.
 - 5. Approval of minutes of the previous meeting, with any corrections.
 - 6. The members who make or second motions.
 - 7. Roll call vote on motions.
 - 8. Subject matter of proposed resolutions or ordinances.
 - 9. Whether the resolutions or ordinances are defeated or adopted.
 - 10. The votes of each member, including the mayor.
 - 11. A statement of findings of facts and an explanation of council action, including specific reasons for approval and disapproval on all land use matters.
 - 12. Listing of all bills allowed or approved for payment, noting the recipient, purpose, and amount.
 - 13. Approval of hourly rates paid for services provided, mileage rates, meal-reimbursement amounts, and per diem amounts.
 - 14. List of all transfers of funds.

15. Authorizations and directions to invest excess funds, and information on investment redemptions and maturities.
 16. Approval of minutes of the previous meeting, with any corrections.
 17. Identity of parties to whom contracts were awarded.
 18. Abstentions from voting due to a conflict, and the member's name and reason for abstention.
 19. Appointments of representatives to committees or outside organizations.
 20. Name and brief summary of subject matter of citizens appearing before council during public comment period.
- B. The minutes of each meeting shall be typed and signed by the city administrator. Copies of the minutes shall be included in the agenda for the next council meeting.
- C. At the next regular meeting, approval of the previous meeting's minutes shall be considered by council.
1. The meeting minutes do not need to be read aloud.
 2. The presiding officer shall call for any additions or corrections.
 3. If there is no objection to an addition or correction, it will be made without a vote of the council.
 4. If there is an objection, the council shall vote upon the addition or correction by roll call vote.
 5. Council shall take formal action by vote to approve the minutes as distributed or as amended.
- D. Minutes shall be published as required by Minn. Stat. §§ 412.191, 331A.08, subd. 3, 331A.01, subd 10.

XV. PUBLIC COMMENT AT COUNCIL MEETINGS AND AT PUBLIC HEARINGS

- A. **Members of the public shall follow the direction of the presiding officer.** Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues, the presiding officer may ask the member of the public to leave the meeting room.

If the member of the public refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the person through any lawful means. In emergency situations, or where conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the person.

B. **Public comment.** Public comments during the public comment period are subject to these limitations:

1. Speakers must be recognized by the presiding officer before speaking.
2. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson.
3. The presiding officer may place a time limit on a public comment period if necessary to allow for the conduct of city business.
4. Speakers must direct their remarks toward the presiding officer.
5. Speakers shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public.
6. Speakers are required to follow the direction of the presiding officer.
7. Speakers who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means. In emergency situations, or when conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the speaker.

C. A summary of these rules for public comment may be provided in the council meeting room.

XVI. PUBLIC HEARINGS. Public hearings are sometimes required by law to allow the public to offer input on city council decisions. When public hearings are required by law, notice shall be provided as required by state statute. Public hearings shall be commenced at the time advertised in any notice required by law.

A. **General procedure for public hearings.** The order of business for all public hearings conducted by council shall be:

1. Opening comments by presiding officer announcing the purpose of the public hearing.
2. Presiding officer opens the public hearing portion of the meeting.
3. Staff presentation (including city administrator, attorney, engineering reports if any).

4. Developer/other presentation (if any).
5. Public comments.
6. Reading of written comments.
7. Presiding officer formally closes the public hearing portion of the meeting.

B. Speakers who wish to address the city council at a public hearing must follow the same rules in XV. However, the presiding officer may allow additional time for speakers, as required, to comply with applicable state law.

C. Speakers may also provide written comments to the city council before or at the meeting. Written comments shall be read aloud by the presiding officer or his or her designee as provided in XVI-A-6. Anonymous, unsigned communications will not be read.

D. The presiding officer may continue the hearing, if necessary, following the procedures in V-F.

XVII. PROCEDURE FOR RESOLUTION AND ORDINANCE ADOPTION. All resolutions and ordinances shall be in writing. Unless otherwise provided by law, all ordinances shall be adopted by resolution by a majority vote of councilmembers present at the council meeting. Unless otherwise provided by law, ordinances do not require multiple readings, and may be adopted as presented at the first available meeting.

XVIII. BOARD, COMMISSION, AND COMMITTEE ASSIGNMENTS. All assignments of councilmembers to serve on city boards, commissions, and committees shall be by a majority vote of councilmembers present at the meeting, unless otherwise provided by law.

XIX. MAYORAL AND CITY PROCLAMATIONS. Except as otherwise provided by law, all mayoral and city proclamations recognizing events, persons, and official observances shall be adopted by a majority of councilmembers present at the meeting where such proclamation is presented for adoption.

XX. SEATING ASSIGNMENTS. Councilmembers shall occupy the chairs assigned to them by the presiding officer, but two councilmembers may exchange seats by joining in a formal request to the presiding officer.

XXI. SUSPENSION OR AMENDMENT OF THESE RULES. Any or all of these rules may be temporarily suspended by a majority vote of the councilmembers present at the meeting, except as otherwise required by Minnesota law. These rules shall not be repealed or amended except by a majority vote of the whole council after notice has been given at a preceding council meeting.

Rules of Order for City Councils

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 councilmembers.*** All councilmembers 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 councilmembers.*** The rights of individual councilmembers cannot be realized unless all councilmembers also recognize their obligations as members of the political body. Councilmembers are obligated to receive the recognition of the chair before speaking, except as otherwise provided by these rules. No one has the right to speak at whim. Councilmembers are obligated to speak directly on the subject being considered and observe time limits for comment. Finally, councilmembers 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.

Rule 1. Motions.

All formal actions of council must be by motion. A councilmember 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 does ~~not~~ need to 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 mayor 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, 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.

Rule 4. Objections to a motion.

- a. Any member of the council may make an objection to a motion if he or she 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, 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 his or her 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 minutes. For subsequent comments, all comments shall be limited to two minutes.
- b. The maker of the motion shall be permitted to speak first on the issue.
- c. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
- d. Everyone who wishes to speak on the issue must be permitted to speak once, before councilmembers who have already spoken are permitted to speak again.
- e. Councilmembers 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, councilmembers may affirm agreement or disagreement.

- f. Generally only one motion may be considered at a time in debate. Debate may only be interrupted by a motion to amend the original motion, a motion to take a brief recess, a motion to withdraw the motion by the motion's maker, a motion to divide a complex question, a motion to defer consideration to a later date, a motion to refer an issue to committee, motion for the previous question, a motion to limit debate, or a motion for a call to order. 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 council, 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, he or she may vote against the amendment or withdraw their motion via a motion to withdraw prior to any amendment being approved. Only two amendments may be made to an original motion to avoid confusion. The amendments should be voted on in reverse order, with the last amendment being voted upon first. To avoid confusion, complex language should be put in writing. 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 his or her 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 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 council in _____ days/weeks.”

- g. **Motion for call of the previous question** is not subject to debate. It may be used only after at least 20 minutes of debate on a single motion or when all members of the council have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.

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 council debate on this issue to no more than _____ minutes total.”

- i. **Motion for a call to order** is not subject to debate. It may be used to signal to the presiding officer that the councilmember feels the proceedings have gotten disorderly.

The appropriate language for making a motion for a call to order shall be substantially similar to “I move for a call to 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 call to 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 council may appeal to the full council a ruling on order or procedure made by the presiding officer.
- b. ***Procedure for appeals.*** An appeal is made by motion. No 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 his or her ruling, but no other councilmember may participate in the discussion.
- c. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council 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 his or her 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 his or her own initiative, without a council 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 councilmember, whether or not he or she was on the prevailing side. It may not be made when prevented by law or where substantial reliance on the council’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 council’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 _____.”

Rule 9. Resolutions and ordinances.

Simple motions shall be used only for procedural and meeting matters. Substantive issues, such as the approval or disapproval of contracts, licenses, or permits; the censure of councilmembers; the hiring, termination, or promotion of employees; the appointment of board, commission, and committee members; and the adoption of city policies, rules, and ordinances shall be by resolution. An exception to this general rule may be made in instances where significant documentation of the council’s decision exists, rendering an additional resolution repetitive (for example, where a written contract spells out all the terms that would be listed in the resolution). All resolutions shall be written and numbered in a manner consistent with the city’s record keeping policies.

The appropriate language for a motion for the adoption of a resolution shall be substantially similar to “I move to adopt the resolution numbered _____.”

Rule 10. Robert's Rules not applicable.

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 is not assumed to apply or to supplement these regulations. 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.

Summary of Motions

 *Means a motion is not subject to debate.*

 *Means that motion may be made during active debate on a main motion.*

 *Means a motion can be made without recognition from the presiding officer or that it can interrupt other speakers.*

1. **General motion for all council action:**

“I move to _____.”

2. **Motion to amend the original motion.** The maker of the motion does not need to consent to a motion to amend. Only two amendments may be made to an original motion to avoid confusion.



“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.”

3. **Motion to take a brief recess.** A motion to take a brief respite no greater than 20 minutes.



“I move to take a brief recess for _____ minutes.”

4. **Motion to withdraw a motion.** This can only be made by the motion’s maker before a motion is amended.



“I move to withdraw my motion.”

5. **Motion to divide a complex question.** This allows questions to be considered in smaller parts.



“I move to divide the question into _____ parts. Part 1 shall be _____. Part 2 shall be _____.”

6. **Motion to table or defer consideration to a later date.** This may be used to defer consideration.



“I move to defer consideration of the main motion/this item until _____.”

7. **Motion to refer an issue to committee.** This may be used to refer an issue to a city committee.



“I move to refer the main motion/this issue to the _____ committee for its consideration and recommendation. The committee should report back to the council in _____ days/weeks.”

8. **Motion for call of the previous question.** This may only be used after at least 20 minutes of debate on a single motion or when all members of the council have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.



“I move to call the previous question” or “I move for an immediate vote on this issue.”

9. **Motion to limit debate.** This may be used to establish time limits for debate.



“I move to limit debate on this issue to _____ minutes per person” or “I move to limit council debate on this issue to no more than _____ minutes total.”

10. **Motion for a call to order.** This is used to signal to the presiding officer that the meeting is disorderly.



“I move for a call to order by the presiding officer.”

11. **Motion to adjourn.** This may be used to suggest a conclusion to the meeting.



“I move to adjourn the meeting.”

12. **Motion to go into closed session.** This may be used to close the meeting pursuant to the Minnesota Open Meeting Law. **The basis for closing the meeting and the applicable law must be stated into the record.**

“I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law.”

13. **Motion to leave a closed session.** This may be used to conclude a closed session and return to an open meeting.

“I move to open the meeting.”

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

“I move to revive consideration of _____ previously tabled/deferred/referred to committee.”

15. **Motion to reconsider.** This may be made only at the *same* meeting where the issue was originally considered and voted upon.

“I move to reconsider _____.”

16. **Motion to rescind or repeal.** This may be made at any meeting following the meeting where the issue was originally considered and voted upon.

“I move to rescind/repeal the council’s previous action related to _____ as stated in resolution number _____.”

17. **Motion to prevent reintroduction of an issue for _____ months.** This may be used to limit discussion.



“I move to prevent reintroduction of this issue for _____ months.”

18. **Motion to suspend the rules or to consider a motion informally.** This permits informal discussion.

“I move that we suspend the rules and proceed informally in discussing the issue of _____.”

Principles for Making Meetings Work

1. Let the presiding officer manage the meeting.
2. Wait to be recognized by the presiding officer before speaking.
3. Be courteous and civil. Limit debate to the discussion of ideas. Do not make personal attacks.
4. Maintain decorum in the chambers. Do not have side conversations or disrupt the meeting through words or conduct.

Code of Conduct

1. Purpose.

The City Council of the City of Paynesville determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of Paynesville, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the City Council hopes to promote the faith and confidence of the citizens of Paynesville in their government and to encourage its citizens to serve on its council and commissions.

2. Standards of conduct.

Subd. 1. No member of the City Council or a city board or commission may knowingly:

- a. Violate the Open Meeting Law.
- b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, 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 person, the person's performance of official action, or be intended as a reward for the person's official action.
- g. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the City Council.
- h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the City Council has authorized the disclosure.
- i. *Represent private interests before the City Council or any city committee, board, commission, or agency.*

Subd. 2. Except as prohibited by the provisions of Minn. Stat. § 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the City Council under the circumstances described under Minn. Stat. § 471.88, if proper statutory procedures are followed.

3. Complaint, hearing.

Any person may file a written complaint with the city administrator alleging a violation of the standards of conduct. The complaint must contain supporting facts for the allegation. The City Council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the City Council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The City Council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the City Council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.