

**City of Topeka
Governing Body
Rules and Procedures**

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1. **AUTHORITY**

- 1.1 **Charter:** TMC §A2-30 provides that the governing body may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the governing body and until such time as they are amended or new rules adopted in the manner provided by these rules.

2. **GENERAL RULES**

- 2.1 **Meetings to be Public:** All meetings of the governing body shall be open to the public, except for executive sessions as provided for by state statute. Persons attending meetings shall turn off or mute any device or instrument capable of emitting an audible sound or tone before entering the meeting room.

2.2 **Quorum; Voting:**

- (a) Six (6) members of the governing body shall constitute a quorum and be necessary for the transaction of business.
- (b) All actions by the governing body shall be taken by an affirmative vote of six (6) or more members, unless a greater or lesser number of votes is required by state law, city ordinance or these rules.
- (c) All actions by the council with regard to ordinances enacted pursuant to the City's home rule power (ordinary ordinances) that are subject to a mayoral veto shall be taken by an affirmative vote of five (5) or more council members.

- 2.3 **Record of Proceedings:** An account of all proceedings of the governing body shall be kept by the city clerk and shall constitute the official record.

- 2.4 **Right of Floor:** Any member desiring to speak shall be recognized by the meeting chair, and shall confine his or her remarks to the subject under consideration or the one to be considered.

2.5 **Duties of City Manager Relative to Governing Body:**

- (a) The members of the governing body and the city manager shall observe scrupulously the relationship and the respective authorities and responsibilities of each as provided by the statutes, city ordinances, governing body rules or procedure and the ethics of good conduct. Generally speaking, the governing body shall act as a policy-making body only except as specifically provided otherwise by statute and the city manager shall act as the administrative head

of the city. The governing body shall delegate to the city manager all administrative duties not specifically required by statute to be performed by the governing body. No member of the governing body shall interfere directly with the conduct of any municipal department. All instructions or direction to the city manager shall come from the governing body after approval of a majority (six) of the members. The city manager shall disregard any other instructions or directions and shall refer them to the governing body as a whole. Requests for routine information may be made to the city manager, department heads or their designees by individual councilmembers or the mayor, but all requests for lengthy or detailed reports shall be made only to the city manager. Except for the assistant to the Council, no instructions or directions shall be given by any member of the governing body to department heads or to other city employees who shall refer such instructions immediately to the city manager, who, in turn, shall bring such improper actions to the attention of the governing body for such action as may be appropriate in each individual case. Notwithstanding this subsection (a), when the city manager delegates a specific task to a particular staff member(s), including staffing a committee, direct communication may occur between council members and that staff member(s).

- (b) The city manager shall act as the administrative head of the city and in such capacity shall direct the affairs of the city within the limits of the budget, the policies established by the governing body and the requirements of the statutes. The city manager or a designee shall attend all meetings of the governing body unless excused by a majority of the governing body. The city manager shall prepare and submit the annual budget to the governing body, shall keep the governing body advised as to the financial condition and requirements of the city and shall make recommendations on all matters concerning the welfare of the city. The city manager shall have no vote in the public meetings of the governing body and shall refrain from attempting to establish policy except to make recommendations to the governing body. The city manager shall observe the highest standard of ethics of the city manager profession. The city manager shall consult with the governing body on matters pertaining to the affairs of the city.

2.6 Duties of City Attorney Relative to Governing Body:

- (a) The city attorney or a designee shall attend all meetings of the governing body. He or she shall draft or cause to be drafted all ordinances, resolutions, contracts, releases, agreements and other instruments pertaining to legal actions of the city which shall have

been approved as to form and legality by the city attorney or a designee before presentation to the governing body. When requested by any member of the governing body, the city attorney shall furnish an opinion, either written or oral as may be appropriate in each case, concerning parliamentary rulings, interpretations of governing body rules of procedure and opinions as to legality of matters under consideration. The city attorney is the chief legal advisor to the city through its governing body, as a whole, as well as the city manager; but not individual residents or individual governing body members.

- (b) The city attorney shall be the parliamentarian for the governing body and shall provide advice and counsel to the meeting chair on all interpretations of the rules and procedures for the conduct of meetings. However, the meeting chair shall rule on all such matters, as provided by Rule 4.4.

2.7 Duties of City Clerk Relative to Governing Body: The City Clerk or a designated representative shall attend all meetings of the governing body; keep the official record (minutes); tally the votes taken; announce the votes both for and against; and perform such other duties as may be requested.

2.8 Officers and Employees:

- (a) Notwithstanding TMC A2-54, which gives the city manager the power to appoint, discipline and remove any employee in accordance with City personnel policies, the mayor and council members may provide input to the city manager regarding the employment and evaluation of the assistant to the mayor and assistant to the council, respectively.
- (b) When there is pertinent business from their departments on the agenda, department heads or their designees shall attend such meetings upon request of the city manager.

2.9 Rules of Order: "Roberts Rules of Order Revised" shall govern the proceedings of the governing body in all cases, unless they are in conflict with these rules.

2.10 Television Coverage: Except as otherwise provided herein, the public portions of governing body meetings shall be televised live, subject to budget constraints or technical difficulties.

2.11 Seating During Meetings: The council shall be seated in council district order for meetings pursuant to TMC § 2.15.020.

3. TYPES OF MEETINGS

3.1 Regular Governing Body Meetings: The governing body shall meet in the governing body chambers for regular meetings and call such meetings in accordance with applicable provisions of the City Charter, TMC Chapter 2.15 and these Governing Body Rules.

3.2 Special Governing Body Meetings:

- (a) Special meetings may be called by the city manager, the mayor or by four (4) or more members of the council.
- (b) The call for a special meeting shall be submitted to the city clerk, except an announcement of a special meeting during any meeting at which a quorum of members are present shall be sufficient notice of such special meeting.
- (c) The notice calling for a special meeting shall specify the day, the hour, the location and an agenda that lists the subject or subjects that will be considered during the special meeting. Only such business may be transacted at a special meeting as may be listed in the agenda that is part of the notice.
- (d) Except for emergencies, the city clerk shall provide documented notice of a special meeting to the city manager, as well as the entire governing body, and shall post the notice on the City's web site at least 24 hours prior to the meeting date and time.
- (e) The governing body may work in conjunction with staff to develop procedures to address particular issues during special meetings (i.e., budget meetings and how budget amendments will be handled, special public hearings).

3.3 Committee Meetings: Committee meetings may be held pursuant to provisions contained in Rule 8.

3.4 Attendance of Media at Meetings: All meetings of the governing body and its committees shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

4. CHAIR AND DUTIES

4.1 Chair:

- (a) *Mayor.* The mayor, if present, shall preside as chair at all meetings of the governing body.
- (b) *Deputy Mayor.* In the absence of the mayor, the deputy mayor shall preside. Anytime there is a need for an election of a deputy mayor, council members who have served the longest period of time and have not previously served as deputy mayor will automatically be nominated.
- (c) *City Clerk.* In the absence of both the mayor and deputy mayor, the city clerk shall preside until a chair is elected from among the council members present.

4.2 Call to Order: The meetings of the governing body shall be called to order by the mayor or, in the mayor's absence, by the deputy mayor. In the absence of both the mayor and the deputy mayor, the meeting shall be called to order by the city clerk for the election of a temporary chair.

4.3 Preservation of Order: The chair shall preserve order and decorum, prevent attacks on personalities or the impugning of member's motives, and confine members in debate to the question under discussion. All rules of decorum and conduct established by these Rules and Procedures, as set forth in Section 5.7, shall apply. Any governing body member who violates the rules of decorum will be warned by the chair and if the behavior continues, the governing body member will be asked to leave the governing body chambers upon a two-thirds (2/3rds) vote of the members (seven (7) or more). If necessary, the governing body member will be escorted from the chambers if such member persists in interfering with the ability of the governing body to reasonably carry out its functions.

4.4 Point of Order: The chair shall determine all points of order, subject to the right of any member to appeal to the council. If any appeal is taken, the question shall be, "Shall the decision of the chair be sustained?"

4.5 Questions to be Stated: The chair shall state all questions submitted for a vote and announce the result.

5. GOVERNING BODY MEETING AGENDAS

5.1 Preparation and Circulation:

- (a) The city manager shall create an agenda for regular governing body meetings. Each Thursday, the city clerk shall post the agendas for the next two consecutive meetings to the City's website, along with the final version of any supporting documents related to items included as part of the final agenda and all available supporting documents related to items included as part of the preliminary agenda; provided, however, that no technical difficulties would prevent this from occurring.
- (b) The agenda of any special governing body meeting shall be set by the city manager and included as part of the notice calling for such meeting, as prepared by the city clerk in accordance with Rule 3.2.

5.2 Addition and Removal of Items from the Agenda: Notwithstanding section 5.1, items may be added to a regular governing body meeting agenda pursuant to TMC 2.15.040, which requires an explanation for the necessity of adding the item and a vote of six (6) or more members of the governing body to add the item. The city manager may remove any item from a regular governing body meeting agenda if the item is not ready for consideration unless the governing body has taken action to defer the item to a date certain or the item has been considered by a committee pursuant to Council Rule 8.5(b).

5.3 Agenda Contents: Each agenda for a regular governing body meeting shall include the following:

- Call to order.
- Invocation.
- Pledge of Allegiance.
- Roll Call.
- Mayoral Proclamations.
- Appointments. Appointments made by the Mayor to boards and commissions will be confirmed collectively by the Council. Any appointment may be considered separately by request of a council member, in which event the item will be moved to Action items.
- Presentations. Presentations include staff reports.
- Consent agenda. The consent agenda is comprised of routine matters to be approved collectively (e.g. meeting minutes, license applications, claims). Any item may be considered separately by request of a

governing body member or the city manager, in which event the item will be moved to Action items.

- Action Items. Action items include matters where the Council or governing body, as appropriate, takes action. (e.g. ordinances, resolutions).
- Non-action Items. Non-action items include discussions, public hearings, and any other items not requiring action.
- Public Comment.
- Announcements. The city manager, mayor, and council members may offer comments regarding City business and/or bring to the attention of the public upcoming events of interest. The Clerk shall briefly summarize items that are on the agenda for the next scheduled governing body meeting.
- Executive Session(s) (called when needed).
- Adjournment.

5.4 Planning Department Agenda Items: Public hearings on zoning matters shall be conducted by the Planning Commission in accordance with state law. No additional public hearings shall be held by the governing body.

5.5 Presentations and Public Comment:

- (a) Presentations: The City Manager may invite individual(s) to make a presentation to the governing body under the “Presentation” section of the agenda and discuss an appropriate time frame for such presentation; taking into consideration the subject matter involved.
- (b) Sign-Up; Time Limitation for Public Comment:
 - (1) Members of the public desiring to comment during a regular governing body meeting must notify the City Clerk by 5:00 p.m. on the day of such meeting, or sign up at such meeting before 6:00 p.m.
 - (2) Members of the public desiring to comment on a special governing body meeting agenda item must notify the City Clerk at least one hour prior to the time such meeting is scheduled to begin, as set out in the corresponding meeting notice, or sign up at such meeting prior to it start-time.
 - (3) The requirement to notify the City Clerk will not apply to public hearings required by any state or federal law.
 - (4) Members of the public will be limited to four (4) minutes of comment during any regular or special governing body meeting, unless the governing body, by a two-thirds (2/3rds) vote of the members (seven (7) or more), extends the

limitation; provided, however, that question/answer dialogue or discussion with governing body members will not be counted towards the four (4) minute time limitation.

- (c) Public comment on a specific agenda item: Comments from members of the public concerning a specific agenda item will be heard at the time the item is considered. Persons will be limited to addressing the governing body one (1) time on a particular matter unless otherwise allowed by a vote of six (6) or more members of the governing body.
- (d) General public comment: Requests by members of the public to speak during the public comment portion of a regular governing body meeting will be placed on the agenda on a "first-come, first-served" basis. The request should state the name of the individual(s) desiring to be heard. Each such individual shall be limited to addressing the governing body one (1) time and his or her comments shall be limited to topics directly relevant to business of the governing body; provided however, that comments pertaining to personnel and litigation matters shall not be allowed.

5.6 Procedure for Addressing the Governing Body: Each person shall step up to the microphone and shall state his or her name in an audible tone or voice for the record. All remarks shall be addressed to the governing body as a whole and not to any individual member thereof. No person, other than members of the governing body and the person who has the floor, shall be permitted to enter into any discussion, either directly or through the members. Any questions asked by the person who has the floor or by governing body members shall be allowed at the sole discretion of the meeting chair.

5.7 Rules of Decorum: The following behavior will not be tolerated from members of the public, governing body or staff: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud speech, repetitious speeches or debate, or speeches so disruptive of proceedings that the legislative process is substantially interrupted. Any individual engaging in this type of behavior will be warned once by the chair and, if the behavior continues, the speaker will be ordered to cease his/her behavior. If necessary, the speaker will be escorted to a seat in the governing body chambers, or escorted from the chambers if such person persists in interfering with the ability of the governing body to reasonably carry out its functions. Members of the public, governing body and staff are expected to treat one another with respect.

5.8 Communication with the Governing Body: Nothing in these Rules and Procedures shall be construed to limit a person's ability to contact

members of the governing body outside of a regular, special or committee meeting.

- 5.9 Adjournment:** Adjournment from a regular governing body meeting shall occur no later than the hour of 10:00 p.m. or as shall be announced by the chair at the conclusion of business. Meetings may be continued beyond the hour of 10:00 p.m. only when approved by a majority of members present.

6. RULES OF ORDER

- 6.1 Questions Related to Agenda Items:** The Governing Body shall direct questions related to any agenda item to the Mayor or the City Manager, who shall either answer the question or call upon the appropriate staff member to answer the question.

- 6.2 Governing Procedure:** "Roberts Rules of Order Revised" shall govern the proceedings, except as provided below and unless they are in conflict with these rules.

- 6.3 Motions:** Except as otherwise provided by ordinance, statute or these rules, the following rules shall apply to motions:

- (a) *To Dispose of a Matter with Affirmative or Negative Action.* Motions may be either affirmative or negative.
- (b) *To Amend a Motion.* The purpose of a motion to amend is to retain the original motion but with a few changes accomplished by deleting or adding verbiage. A motion shall be amended only once before a vote has been taken. Treatment of amendments will depend upon timing. More specifically:
 - (1) After a motion has been made and seconded, but before the Chair or the City Clerk states the motion – any suggested modifications will require the consent of the two individuals who made and seconded the motion.
 - (2) After the Chair states the motion – members of the governing body may propose amendments without such consent.
- (c) *To Defer.* Consideration of any ordinance, resolution or other matter on a meeting agenda may be deferred for up to six (6) months. The deferral date may be amended by the approval of a motion establishing a new date for consideration of the item. The

new date for consideration shall be no sooner than the next governing body meeting following approval of the motion.

- (d) *To Refer.* Such action shall be appropriate in connection with investigation and report (e.g. refer a matter to a committee).
- (e) *To Substitute a Motion.* The purpose of a substitute motion is to offer a different approach to the subject matter. It is different from a motion to amend because a motion to amend seeks to retain the original motion with a few changes (usually accomplished by deleting or adding verbiage). Substitute motions cannot be used for purposes of confusing the issue and cannot be contrary to the original motion.

A motion "to substitute" shall be in order providing that the substitute motion shall be made immediately after the original motion has been made and seconded and before a vote has been taken. Substitute motions shall be made only once and shall be debatable providing the original motion was a debatable motion.

- (f) *To Suspend a Rule.* In order to temporarily suspend any particular rule for a particular purpose not contrary to statute or city ordinance, a motion "to suspend" a rule shall be in order. Suspension of a rule shall be approved by a two-thirds (2/3rds) vote of the governing body (seven (7) or more), shall take effect for the particular rule in question and shall not be considered as a permanent suspension of a rule.
- (g) *To Reconsider a Motion/Item.* Any motion to reconsider must be made by a person who voted on the prevailing side of the motion to be reconsidered. Except as provided below, an item previously acted upon may not be reconsidered until six (6) months has elapsed since the previous action. This limitation shall apply to any matter upon which a vote was taken, including the consideration of ordinances or resolutions which repeal, in their entirety, previously adopted ordinances or resolutions. These limitations on reconsideration shall not apply to the following:
 - (1) A motion to reconsider the matter that is adopted during the same meeting as the initial action.
 - (2) Reconsideration is needed to correct a typographical or legal error in the original item, or if the new item amends or differs in a substantive manner from the previously adopted or considered item.
 - (3) Reconsideration is otherwise allowed by statute or law.

- (h) *Calling the Question.* A call for the question, if seconded, shall immediately end all debate and discussion and, if approved by a two-thirds (2/3rds) vote of the governing body (seven (7) or more), the current motion must be voted on without delay; provided however, that the call of the question shall not be implemented until all members of the governing body have had an opportunity to speak to the current motion. After the formal vote has been taken, all further discussion of the matter shall cease unless appropriate affirmative action follows to place the matter again for reconsideration.
- (i) *To Adjourn a Meeting.* When it appears that there is not further business, the chair may adjourn the meeting. Alternatively, a motion "to adjourn" shall be in order providing such motion is made at the ordinary or usual conclusion of business on the agenda and providing that motions to adjourn shall not be used to embarrass, to harass, to foreclose discussion and debate, or for any other purpose other than the orderly termination of proceedings at such times as may be appropriate in each particular meeting.

7. ORDINANCES AND RESOLUTIONS

7.1 Preparation:

- (a) Ordinances and resolutions shall be prepared by the city attorney or designee upon request by the city manager. In keeping with TMC Section A2-28(c), which prohibits governing body members from giving orders to staff, any requests by members of the governing body for preparation of ordinances or resolutions shall be directed to the city manager.
- (b) All ordinances and resolutions shall address fiscal impacts, if any, and identify funding sources.

7.2 Input from the Governing Body: Each member of the governing body is entitled to ask questions or offer comments or proposed revisions related to any item included as part of a governing body meeting agenda. If reasonably possible, governing body members are encouraged to submit their questions, comments and proposed revisions to the city manager by 8:00 a.m. on the Monday immediately preceding the regular governing body meeting at which the item will be discussed or initially considered to assist with moving the item forward in a more timely fashion, (avoiding unnecessary delay and/or deferrals).

7.3 Consideration:

- (a) Recording of Votes. All votes shall be reported in the minutes.
- (b) Manner of Voting. When any vote is called, each member shall indicate the member's vote by utilizing a device that displays the vote or abstention. No member shall vote in absentia. A member must be physically present at the time a vote is called in order for the member to vote.
- (c) Notice. No action shall be taken on any ordinance or resolution unless the item has been provided to the governing body at least five days prior to a meeting. This restriction shall not apply to ordinances or resolutions that (1) have no administrative impact; and (2) no fiscal impact greater than \$5,000.00.

7.4 Numbering: Upon passage, a number shall be assigned to each ordinance or resolution by the city clerk.

8. COMMITTEES

8.1 Purpose: The orderly and timely transactions of the city government shall be better served by having in place a committee framework whereby resolution of certain issues may be developed prior to consideration by the governing body. The committee framework shall include the use of standing committees and special committees.

8.2 Standing Committees:

- (a) The governing body shall have the following four (4) standing committees, each comprised of three (3) members of the council:
 - Policy and Finance.
 - Social Service Grants.
 - Public Health and Safety.
 - Transient Guest Tax.
- (b) Appointment. The deputy mayor shall appoint the members to each standing committee referenced in subsection (a) above and shall make a reasonable effort to stagger terms for the purpose of establishing familiarity and continuity from year to year. Appointments shall be made by the first meeting in February. Each councilmember shall fill out a committee preference list for a standing committee and the deputy mayor shall make every effort to appoint councilmembers to the committee of their choice.
- (c) Term. Councilmembers who are appointed to any standing committee referenced in subsection (a) above shall serve on their

assigned committees for a one (1) year term. Councilmembers who wish to change committee assignments may do so with permission from the deputy mayor. Each standing committee shall elect the chair from among its members.

8.3 Special Committees:

- (a) Special committees may be established when there is an issue that needs special focus and would be better handled outside standing committees. Special committees may be created by a vote of six (6) or more members of the governing body. Any proposition addressed to the establishment of a special committee must state tasks and the time period in which the committee should complete its assignment.
- (b) The deputy mayor shall appoint the members of any special committee. The chair shall be designated by committee members.

8.4 Duties and Powers of Committees:

- (a) It shall be the duty of the committees to act promptly and faithfully in all matters referred to them. This does not preclude standing committees from considering other matters within the scope of their duties.
- (b) All committees shall have the power to hold hearings and request production of records relating to any subject within its jurisdiction. Standing committees may appoint subcommittees from their committee membership.

8.5 Procedure for Committee Items:

- (a) Reference to Committee; Initiation by Committee.
 - (1) Any item may be referred to a committee by a vote of six (6) or more members of the governing body. The governing body may set a fixed date for the committee to report back to the governing body.
 - (2) The examination of any subject can be initiated by a committee chair or by majority vote of the committee.
- (b) Committee Action. A committee may take any of the following actions:

- (1) Recommend approval of the item.
 - (2) Recommend approval, with amendments.
 - (3) Recommend that the item not be approved.
 - (4) Make no recommendation (no second means no recommendation).
- (c) **Committee Action Deadline.** Each item referred to a committee shall be acted upon on or before any deadline set by the governing body or ninety (90) calendar days of the date upon which it was referred, whichever occurs first. Although the committee shall make every reasonable effort to act upon the item prior to expiration of the established deadline or ninety (90) calendar days, if this is not possible then the item shall be placed on an agenda for purposes of allowing the committee chair to provide an update regarding the committee's progress.
- (d) **Placement on Governing Body Meeting Agenda.**
- (1) An item *referred to* and considered by a committee pursuant to section 8.5(a)(1) shall be placed on a regular governing body meeting agenda as an action item and the chairperson or designee shall report to the governing body.
 - (2) An item *initiated* and considered by a committee pursuant to section 8.5(a)(2) may be placed on a regular governing body meeting agenda as an action item and the chairperson or designee may report to the governing body.

8.6 Quorum: In order to meet and take action, a majority of the committee members must be present.

8.7 Alternate Members of Committees: If a member of a committee cannot be present at a meeting, an alternate council member may be appointed to serve at that meeting, with full voting rights. The alternate shall be appointed by one of the following individuals, listed in order of priority:

- (a) The absent committee member.
- (b) The committee chair.
- (c) The deputy mayor.

- 8.8 Committee Meeting Times:** Each committee shall meet as needed. Meetings may be called by the committee chair or by action of the committee. The city manager shall be notified of committee meetings at least twenty-four (24) hours in advance of any meeting. Any request for resource staff will be included in the notification. Council staff shall notify the city clerk of the time, place, and agenda at least twenty-four (24) hours in advance of the meeting. The city clerk shall post the notification to the city web site upon notification by Council staff.
- 8.9 Agenda Preparation:** The chair shall be responsible for establishing the agenda for each committee meeting. Members desiring an item to be placed on the agenda should contact the chair directly or through the council staff.
- 8.10 Minutes:** Minutes shall be kept of each meeting. Minutes are defined as an overview of the proceedings, to include those in attendance, a brief summary of the issues discussed and a record of the action(s) taken (including the result of any vote(s) taken). Minutes shall be reviewed and approved by the committee at a subsequent meeting. However, in the event that the committee will not meet within the next thirty (30) days, the chairperson may approve the minutes if there are no objections or changes from other committee members. In the event of objections or changes, the committee shall meet to discuss and take action.
- 8.11 Public Comment:** Public comment may be allowed on any matter on a committee agenda, at the discretion of the chairperson. All rules of decorum and conduct for comment established by these Rules and Procedures shall be applicable to public speakers.
- 8.12 Committee Expenses:** No committee shall incur any expense without having been authorized by a vote of six (6) or more members of the governing body.
- 8.13 Rules Applicable:** These Rules and Procedures shall apply to committees unless inconsistent with this section.
- 8.14 Television Coverage:** Except as otherwise provided, the public portions of any committee meeting shall be televised, subject to budget constraints or technical difficulties.

9. *SUSPENSION AND AMENDMENT OF RULES*

- 9.1 Suspension of These Rules:** Any provision of these rules not governed by the city charter or city code may be temporarily suspended by a two-thirds (2/3rds) vote of the governing body, (seven (7) or more). The vote on any such suspension shall be included in the record.

9.2 Amendment of These Rules: These rules may be amended on a periodic basis. Review may be initiated by staff or governing body members. If revisions or new rules are proposed, standard rules for agenda posting, consideration and referral to committee shall apply. A vote of six (6) or more members of the governing body shall be required to adopt any such amendments.