

RESOLUTION NO. 7646

A RESOLUTION introduced by City Manager Neil Dobler adopting City Council Rules and Procedures.

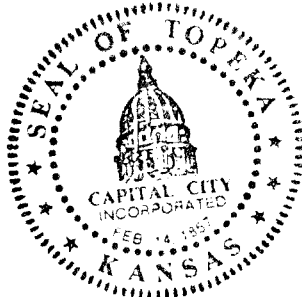
WHEREAS, Section 16 of City of Topeka Charter Ordinance No. 94 authorizes the City Council to determine its own rules and order of business.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS that the City Council hereby adopts as its rules and procedures the document attached hereto and incorporated herein as Attachment A.

BE IT FURTHER RESOLVED that all prior rules and procedures and subsequent amendments as adopted by the City Council are hereby rescinded by reference.

ADOPTED and APPROVED by the City Council JUN 21 2005.

CITY OF TOPEKA, KANSAS



ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

William W. Bunten
William W. Bunten, Mayor

APPROVED AS TO FORM AND LEGALITY

DATE 5/25/05 BY TL

Topeka City Council

Rules and Procedures

Table of Contents

1.	Authority	4
1.1	Charter	4
2.	General rules	4
2.1	Meetings to be public	4
2.2	Quorum	4
2.3	Compelling attendance	4
2.4	Journal of proceedings	4
2.5	Ordinances: confined to one subject; exceptions	4
2.6	Right of floor	4
2.7	Duties of city manager relative to city council	4
2.8	Duties of city attorney relative to city council	5
2.9	City clerk	6
2.10	Officers and employees	6
2.11	Rules of order	6
2.12	Television coverage	6
2.13	Seating during council meetings	6
3.	Types of meetings	6
3.1	Regular meetings	6
3.2	Special meetings	6
3.3	Adjourned meetings	7
3.4	Work sessions	7
3.5	Executive sessions	7
3.6	Attendance of media at council meetings	7
4.	Chair and duties	7
4.1	Chair	7
4.2	Call to order	7
4.3	Preservation of order	7
4.4	Point of order	8
4.5	Questions to be stated	8
5.	Order of business and agenda	8
5.1	Agendas	8
5.2	Order of business	8
	(a) 6:00 PM council meetings	9
	(b) 7:00 PM council meetings	10
5.3	Rules of order and motions	13
6.	Ordinances and resolutions	16
6.1	Form	16
6.2	Funding	16
6.3	Preparation and presentation of ordinances and resolutions	16
6.4	City attorney to approve	17
6.5	Distribution of ordinances	17
6.6	Ordinances deferred; emergencies and appropriations	17
6.7	Consideration of ordinances and resolutions	17
6.8	Recording of votes	18

6.9	Majority vote required.....	18
6.10	Numbering ordinances and resolutions.....	18
6.11	Ordinance passage procedure.....	18
6.12	Introduction of ordinances or resolutions	18
7.	Committees	18
7.1	Committees	18
8.	Citizen input	22
8.1	Manner of addressing the council	22
8.2	Personal and slanderous remarks	22
8.3	Written communication	23
9.	Suspension and amendment of these rules	23
9.1	Suspension of these rules.....	23
9.2	Amendment of these rules	23

1. Authority

- 1.1 Charter:** Charter Ordinance No. 94 of the City of Topeka provides that the council may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the council 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 official meetings of the council shall be open to the public, except for executive sessions as provided for by state statute. A journal of proceedings shall be open for public inspection. Persons attending meetings of the council shall turn off or shut down power on any device or instrument capable of emitting an audible sound or tone before entering the meeting room. The use of any electronic telecommunications devices emitting an audible sound or tone, including but not limited to cellular telephones and electronic pagers, by persons attending a council meeting is prohibited. Councilmembers, the mayor, and public safety personnel are excepted from this prohibition relating to electronic telecommunications devices.
- 2.2 Quorum:** A majority of the members of the council shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.
- 2.3 Compelling Attendance:** The council may adjourn from day to day to compel the attendance of absent members.
- 2.4 Journal of Proceedings:** An account of all proceedings of the council shall be kept by the city clerk and shall be entered in a book constituting the official record of the council.
- 2.5 Ordinances: Confined to One Subject; Exceptions:** No ordinance except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinances, shall relate to more than one (1) subject, which shall be clearly stated in its title.
- 2.6 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.
- 2.7 Duties of City Manager Relative to City Council:**
(a) The members of the council and the city manager shall observe scrupulously the relationship and the respective authorities and

responsibilities of each as provided by the statutes, city ordinances, council rules or procedure and the ethics of good conduct. Generally speaking, the council 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 council shall delegate to the city manager all administrative duties not specifically required by statute to be performed by the council. No member of the city council or the mayor shall interfere directly with the conduct of any municipal department. All instructions or direction to the city manager shall come from the council as a whole after approval of a majority (five) of the council. The city manager shall disregard any other instructions or directions and shall refer them to the council 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. No instructions or directions shall be given by individual councilmembers or the mayor 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 entire council for such action as may be appropriate in each individual case.

(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 city council and the requirements of the statutes. The city manager or a designee shall attend all meetings of the council unless excused by a majority (five) of the council. The city manager shall prepare and submit the annual budget to the council, shall keep the council advised as to the financial condition and requirements of the city and shall make recommendations to the council 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 as he shall make recommendations to the city council as a whole. The city manager shall be employed by a majority (five) of the council and shall serve at the pleasure of the majority (five) of the council. The city manager shall conduct him or herself as to observe the highest standard of ethics of the city manager profession. When requested by the city manager (and not by individual members of the council) certain department heads and employees of the city shall attend council meetings. The city manager shall consult with the council on matters pertaining to the affairs of the city.

2.8 Duties of City Attorney Relative to City Council:

(a) The city attorney or a designee shall attend all meetings of the city council. 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 council. When requested by any member of the council or the mayor, the

city attorney shall furnish an opinion, either written or oral as may be appropriate in each case, concerning parliamentary rulings, interpretations of council rules of procedure and opinions as to legality of matters under consideration. The city attorney is the chief legal advisor to the governing body and the city manager, who are entitled to rely upon his legal opinions which shall be considered final as they relate to municipal affairs except as they may be adjudicated in the courts.

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

- 2.9 City Clerk:** The City Clerk or a designated representative shall attend all meetings of the council and shall keep the official journal (minutes) and perform such other duties as may be requested by the council.
- 2.10 Officers and Employees:** When there is pertinent business from their departments on the council agenda, department heads of the City shall attend such council meetings upon request of the city manager.
- 2.11 Rules of Order:** "Roberts Rules of Order Revised" shall govern the proceedings of the council in all cases, unless they are in conflict with these rules.
- 2.12 Television Coverage:** Except as otherwise provided herein, the public portions of any city council action meeting shall be televised live, subject to budget constraints or technical difficulties.
- 2.13 Seating During Council Meetings:** The council shall be seated in council district order.

3. *Types of Meetings*

- 3.1 Regular Meeting:** The council shall meet in the council chambers for regular, adjourned, and special meetings. A schedule of regular council meetings shall be established by ordinance as provided for by Charter Ordinance No. 94.
- 3.2 Special Meetings:** Special meetings may be called by the mayor or by four (4) or more members of the council. The call for a special meeting shall be filed with the city clerk in written form, except an announcement of a special meeting during any regular meeting at which all members are present shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered. No special meeting shall

be held until at least twenty-four (24) hours after the call is issued. Only such business may be transacted at a special meeting as may be listed in the call for said meeting or an incident thereto.

- 3.3 **Adjourned Meetings:** Any meeting of the council may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next regular meeting.
- 3.4 **Work Sessions:** The council may meet informally in work sessions (open to the public), at the call of the city manager or of any five (5) members of the council, to review forthcoming programs of the city or receive progress reports on current programs or projects, or receive other similar information from the city manager and city staff, provided that all discussions and conclusions thereon shall be informal and no action shall be taken. Work sessions shall not be televised, nor shall they be a forum for public comment or debate on any subjects under discussion by the council.
- 3.5 **Executive Sessions:** Executive sessions or closed meetings may be held in accordance with the provisions of the Kansas Open Meetings Act. Topics that may be discussed would be: (1) personnel matters, (2) considerations of acquisition of property for public purposes, (3) potential or pending litigation in which the city has an interest, (4) employer-employee negotiations, and (5) any other matter provided for in K.S.A. 75-4319, as amended.
- 3.6 **Attendance of Media at Council Meetings:** All official meetings of the city council 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:** The mayor, if present, may preside as chair at all meetings of the council. In the absence of the mayor, the deputy mayor shall preside. In the absence of both the mayor and deputy mayor, the city clerk shall preside until a chair is elected. The chair shall not remove an item from the table once the city clerk has read it and discussion on the item has commenced.
- 4.2 **Call to Order:** The meetings of the council 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. The following

will not be tolerated: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud or repetitious speech, and speeches so disruptive of council proceedings that the legislative process is substantially interrupted. Any councilmember engaging in any of these will be warned once by the chair and if any of these engaged again, the councilmember will be ordered to leave the council chambers and that order shall be effective after a two thirds 2/3rds affirmative vote of the councilmembers present. If necessary, the councilmember will be escorted from the chambers if such councilmember persists in interfering with the ability of the council to reasonably carry out council 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?" [See also Rule 2.8]

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

5. *Order of Business and Agenda*

5.1 Agendas: Except under the most unusual circumstances, all council meetings shall be conducted strictly in accordance with a written agenda in order that the members of the council, the city manager, city staff, and the public may be informed as to the matters to be considered and may have an opportunity either to prepare themselves or to be present for such purposes as may be appropriate. Agendas for meetings shall be furnished to councilmembers at least eleven (11) days prior to possible council action on the item. This rule does not preclude the city council from adding of items (by majority vote) or the city manager from adding items to the consent agenda after this deadline. (See also Rule 6.3.) If items are added a final agenda shall be delivered to councilmembers at least five (5) days prior to the council meeting. The agenda shall be made public in advance of the meeting. Agendas may be furnished to individual members of the council by delivering the agendas to the council office either electronically or via hard-copy.

The agenda shall be divided into general sections, as specifically provided below. The order in which sections of the agenda will be considered will be as set forth in the order of business as provided herein. The agendas will be prepared with such procedures as may be established by the city manager and the council.

5.2 Order of Business:

(a) **6:00 PM Council Meetings:** Regular 6:00 PM meetings of the council shall be conducted according to the standing rules of procedure of the council in the following order of business:

(i) **Call to Order:** Promptly at the hour appointed for the meeting of the council, the mayor or, in his/her absence, the successor meeting chair shall take the chair and shall call the city council to order.

(ii) **Invocation:** The meeting chair shall announce the invocation.

(iii) **Pledge of Allegiance:** The meeting chair will lead in the presentation of the Pledge of Allegiance to the flag of the United States of America.

(iv) **Proclamations:** The meeting chair will present the scheduled proclamations.

(v) **Attendance:** The clerk shall note the attendance of the councilmembers and shall enter as a matter of record their presence or absence during all or any part of the meeting.

(vi) **Approval of Minutes of Previous Meeting:** Minutes of the previous meeting or meetings shall be amended, corrected and approved and if approved by a majority of the council shall be entered in the permanent records of the city without being subject to further change or amendment. Minutes of previous meetings shall not be read aloud in their entirety unless so required by a vote of a majority of the council. Minutes of previous meetings may be included for action as part of the consent agenda.

(vii) **Consent Agenda:** The consent agenda shall be prepared by the city manager each week. It shall be restricted to the necessary actions to be taken by the council in connection with ordinances, resolutions, or other matters previously approved, placed on reading or adopted, or routine matters to be approved. Items on the consent agenda, although listed separately, shall be considered collectively as a consensus agenda and an affirmative vote of the council on the consent agenda will allow and be construed as an affirmative vote to take the recommended action as stated on each item. Any item on the agenda may be considered separately by request of any member of the council, or the city manager, in which event it will be deferred to the next 7:00 PM council meeting for separate discussion, and remaining items on the agenda will be voted upon as a consensus agenda.

(viii) **First Reading Agenda:** The first reading agenda shall be prepared by the city manager and shall include all ordinances, including planning/zoning ordinances to be presented officially to the city council. Each item shall include sufficient summary explanation to make clear to members of the council and the public the matter to be discussed and the action requested. Additional or supplemental information may accompany the agenda or follow as soon thereafter as practicable. In general, there shall be no public discussion of items on the first reading agenda.

(ix) **Adjournment:** Adjournment shall occur no later than the hour of 11:00 PM when moved, seconded and approved by a majority of members present; or as shall be announced by the chair at the conclusion of business in the event no majority is obtainable from members present; provided, that meetings may be continued beyond the hour of 11:00 PM when moved, seconded and approved by a majority of members present. Upon adjournment, the council shall dissolve into a work session as provided in rule 3.4, unless the work session is otherwise cancelled by council action.

(b) **7:00 PM Council Meetings:** Regular 7:00 PM meetings of the council shall be conducted according to the standing rules of procedure of the council in the following order of business:

(i) **Call to Order:** Promptly at the hour appointed for the meeting of the council, the mayor or, in his/her absence, the successor meeting chair shall take the chair and shall call the city council to order.

(ii) **Invocation:** The meeting chair shall announce the invocation.

(iii) **Pledge of Allegiance:** The meeting chair will lead in the presentation of the Pledge of Allegiance to the flag of the United States of America.

(iv) **Proclamations:** The meeting chair will present the scheduled proclamations.

(v) **Attendance:** The clerk shall note the attendance of the councilmembers and shall enter as a matter of record their presence or absence during all or any part of the meeting.

(vi) **Approval of Minutes of Previous Meeting:** Minutes of the previous meeting or meetings shall be amended, corrected and approved and if approved by a majority of the council shall be entered in the permanent records of the city without being subject to further

change or amendment. Minutes of previous meetings shall not be read aloud in their entirety unless so required by a vote of a majority of the council. Minutes of previous meetings may be included for action as part of the consent agenda.

(vii) **Consent Agenda:** The consent agenda shall be prepared by the city manager each week. It shall be restricted to the necessary actions to be taken by the council in connection with ordinances, resolutions, or other matters previously approved, placed on reading or adopted, or routine matters to be approved. Items on the consent agenda, although listed separately, shall be considered collectively as a consensus agenda and an affirmative vote of the council on the consent agenda will allow and be construed as an affirmative vote to take the recommended action as stated on each item. Any item on the agenda may be considered separately by request of any member of the council, or the city manager, in which event it will be set aside for separate discussion and remaining items on the agenda will be voted upon as a consensus agenda.

(viii) **Unfinished Business Agenda:** Items on this agenda will be those items of unfinished business carried over from previous meetings and designated for further consideration by the council.

(ix) **New Business Agenda:** The new business agenda shall be prepared by the city manager and shall include all items to be presented officially to the city council. Each item shall include sufficient summary explanation to make clear to members of the council and the public the matter to be discussed and the action requested. Additional or supplemental information may accompany the agenda or follow as soon thereafter as practicable. Items on this agenda shall be presented by the sponsoring city councilmember, the city manager or such members of the staff as the city manager may designate. Generally speaking, the order of presentation shall follow the agenda except as may be directed otherwise by the meeting chair and each item shall be concluded before the next item is discussed. Except for questions from members for purposes of clarification, the sponsoring councilmember and/or the city manager shall be permitted to address fully each individual item before detailed questions or discussion is had either by the members of the council or by public members present.

(x) **Planning Agenda:** The planning agenda shall be prepared by the city manager. Items on the planning agenda shall include all regulatory and policy matters which carry the recommendation of the planning commission, and may include other matters referred to the city council from the planning department. The planning agenda shall

be considered by the council following all other matters of business. Public hearing on planning items is conducted by the planning commission under provisions of state law. Additional hearing on zoning applications will not be conducted by the council. Applications may be referred back to the planning commission by majority vote of the council if:

(a) A written statement is filed with the city clerk by 5:00 PM. on the Wednesday preceding the council meeting:

(1) Alleging unfair hearing before the planning commission; or

(2) Alleging new facts or evidence has been filed with the city clerk by 5:00 PM on the Wednesday preceding the meeting; or

(b) The council determines that further deliberation is needed by the planning commission.

A matter returned to the planning commission for further consideration should be accompanied by a statement specifying the basis for the remand.

(xi) **Miscellaneous:** Under unusual circumstances, authorized by suspension of a rule, miscellaneous or other matters either added to the agenda or not on any agenda may be considered.

(xii) **Presentations by the City Manager, Mayor and Members of Council:** The agenda shall provide a time when the city manager, mayor and/or any councilmember may bring before the council any business that he/she feels should be deliberated upon by the council. These matters need not be specifically listed on the agenda. The requested items should be listed as a pending request on subsequent agendas until formal action is scheduled.

(xiii) **Public Comment:** Requests by members of the public to speak will be placed on the agenda on a "first-come, first-served" basis. This portion of the meeting shall be subject to a limitation of four minutes for each presentation with extension of time permitted only upon approval of a majority of the council. Members of the public desiring to speak to the council on the public comment portion of the agenda must notify the city clerk by 5:00 PM on the day of the council meeting. The request should state the name of the individual(s) desiring to be heard and the matter to be presented. Matters pertaining to personnel, litigation and violations of laws and

ordinances are excluded from the agenda. Further, public comment shall be limited to topics directly relevant to business of the city council. Rules of decorum as provided in these rules will be observed.

(xiv) **Adjournment:** Adjournment shall occur no later than the hour of 11:00 PM when moved, seconded and approved by a majority of members present; or as shall be announced by the chair at the conclusion of business in the event no majority is obtainable from members present; provided, that meetings may be continued beyond the hour of 11:00 PM when moved, seconded and approved by a majority of members present.

5.3 Rules of Order and Motions:

(a) **"Roberts Rules of Order Revised":** Shall govern the proceedings of the council in all cases, except as provided below and unless they are in conflict with these rules.

(b) **Motions:** Generally speaking, action of the council shall be indicated by a vote of the councilmembers present at each meeting after motions have been made and seconded by individual councilmembers. Except as otherwise provided by ordinance, statute or these rules, the following rules shall apply to motions by the individual councilmembers:

(i) **To Dispose of a Matter Without Action:** In order to dispose of a matter without action by the council either affirmatively or negatively and after such matter has been presented to the council properly, and after appropriate comment or recommendation by the manager, a motion "To receive and file" shall be in order and shall be not debatable;

(ii) **"To Defer"** (debatable): Consideration of any ordinance, resolution or other matter on a city council meeting agenda may be deferred for up to six (6) months by the affirmative vote of at least five (5) members of the council. 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 regular city council meeting following approval of the motion;

(iii) **"To Refer"** (not debatable): Such action shall be appropriate in connection with investigation and report.

(iv) **"To Strike"** (debatable): This motion may be used to remove an item from the agenda without prejudice to said item so that it may

be returned to the agenda at any later date in accordance with established procedure.

(v) To Dispose of a Matter with Affirmative or Negative Action:

In order to dispose of a matter with affirmative or negative action by the council after such matter has been presented properly from the appropriate agenda and after appropriate comment and recommendation from the city manager and public members present, the following motions shall be in order and shall be debatable:

- (1) "To approve" (debatable): A specific recommendation or proposal;
- (2) "To disapprove" (debatable): A specific recommendation or proposal;
- (3) "To request" (debatable): A specific action;
- (4) "To direct" (debatable): A specific action.

(vi) To Amend a Motion: In order to amend motions previously made, the motion "to amend" shall be in order providing the motion for amendment shall be made with the consent of the maker and the second to the original motion and providing further that a motion shall be amended only once before a vote has been taken. Motions to amend shall be debatable providing the original motion was a debatable motion.

(vii) To Substitute a Motion: In order to substitute a motion for a motion which has already been made and seconded, 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. Substitute motions shall not be used for purposes of confusing the issue and shall not be motions directly contrary to the original motion but shall be confined to other substitute actions with respect to the original motion.

(viii) To Reconsider a Motion/Item: Except as provided below, no matter previously acted upon by the city council may be reconsidered by the city council until six (6) months have elapsed since the previous action. This limitation shall apply to any matter considered and voted on by the city council, 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, as provided for in Roberts Rules of Order.

(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.

(ix) **To Suspend a Rule:** In order to suspend temporarily any particular rule for a particular purpose not contrary to statute or city ordinance, a motion "to suspend" a rule shall be in order and such a motion shall not be debatable. Suspension of a rule shall be approved by a two thirds (2/3rds) majority of the council, and shall take effect for the particular rule in question only for the particular time in a particular meeting in question and shall not be considered as a permanent suspension of a rule.

(x) **To Adjourn a Meeting:** In order to adjourn a council meeting, 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 council proceedings at such times as may be appropriate in each particular meeting. Motions to adjourn shall be not debatable and shall take precedence over any other motions at the end of council meetings and any other actions except points of order or privilege.

(c) **Debate and Cloture:**

(i) Public comments on matters on the agenda shall only be allowed as specified herein. Comments from the city manager shall be allowed on all motions. Notwithstanding this general rule, any councilmember may at any time move to close the public debate and, if seconded, all further discussion of the matter by members of the public shall cease and the council shall vote on said motion which, if passed, shall close public debate. Discussion and debate of the original motion may be continued between members of the city council and the city manager, until the mayor or any other councilmember calls for the question. A call for the question, if

seconded, shall immediately end all debate and discussion, and if passed by two thirds (2/3rds) vote, the original motion must be voted on without delay, provided however, that the call of the question shall not be implemented until all members of the council have had an opportunity to speak to the original motion. After the formal vote has been taken by the council, all further discussion of the matter shall cease unless appropriate affirmative action follows to place the matter again before the council for reconsideration.

(ii) Members of the public wishing to speak on a specific matter on the published meeting agenda must notify the city clerk by 5:00 PM on the day of any council meeting. This requirement shall not apply to items added during the course of a meeting. Members of the public addressing the city council will be limited to four (4) minutes of public address on a particular agenda item. Debate, question/answer dialogue or discussion between councilmembers will not be counted towards the four (4) minute time limitation. The council may, by affirmative vote of five (5) members, extend the four (4) minute limitation. Persons will be limited to addressing the council one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five (5) members of the council.

(d) **Recesses:** Recesses of the council shall be declared by the presiding officer or a majority of the council.

6. *Ordinances and Resolutions*

6.1 Form: Ordinances and resolutions shall be presented to the council only in printed or typewritten form.

6.2 Funding: All ordinances authorizing an expenditure of money shall include the exact source of the funds to be expended.

6.3 Preparation and Presentation of Ordinances and Resolutions:

(a) No ordinances or resolutions or other documents shall be prepared by the city attorney unless requested by the city manager, the mayor or any councilmember.

(b) The council shall not consider any ordinance, resolution or other item sponsored by a councilmember(s), the mayor or the city manager unless it has first been distributed to the council at least five (5) days prior to a 6:00 PM council meeting.

(c) Ordinances, resolutions or other items that require the city council to sit as a quasi-judicial body (for example, zoning and licensing matters) shall

not be required to follow the provisions of this rule.

(d) Administrative ordinances, resolutions or other items, which are intended to implement or execute policies already established by the council shall not be required to follow the provisions of this rule. Examples of administrative ordinances include, but are not limited to, items that approve the expenditure of budgeted funds, the authorization of public improvement projects (if the same are already approved as part of a capital improvements plan or budget) and the approval of licenses. This exception does not preclude the presentation of administrative ordinances, resolutions or other items to council committees.

6.4 City Attorney to Approve: All ordinances and resolutions shall be "Approved as to Form and Legality" by the city attorney or a designee. Such approval shall be so indicated by signature on the last page of the ordinance before presentation to the council.

6.5 Distribution of Ordinances: The city clerk shall prepare copies of all proposed ordinances for distribution to all members of the council at least twenty-four (24) hours before the council meeting at which the ordinances are to be introduced, unless earlier presentation is otherwise required by these rules. If the ordinance carries an emergency clause, copies of the ordinance must be distributed at least twelve (12) hours prior to the meeting of the council at which said ordinance is to be considered.

6.6 Ordinances Deferred; Emergencies and Appropriations: Ordinances introduced at a council meeting shall not be finally acted upon until at least the next official meeting, except that appropriation and emergency ordinances may be acted on immediately, and provided further that an affirmative vote of at least five (5) members of the council shall be required for the final passage of an emergency ordinance.

6.7 Consideration of Ordinances and Resolutions:

- (a) Each proposed ordinance shall be read by title or in full two (2) times. Except in case of a bill for an emergency ordinance or an appropriation ordinance, not more than one (1) such reading shall be on the same day, and at least one (1) week shall elapse between introduction and final passage.
- (b) Each proposed resolution shall be read by title one (1) time and introduction and final passage may be on the same day.
- (c) No proposed ordinance or proposed resolution shall be passed by the council on the same day it is introduced if that ordinance or resolution was added to the agenda during the meeting of the council.

- 6.8 Recording of Votes:** The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the council.
- 6.9 Majority Vote Required:** An affirmative vote of at least five (5) members of the council shall be necessary to pass an ordinance, a resolution, motion, or any other proposition (except as otherwise specified in city ordinance or state statutes). When any vote is called each councilmember shall respond "yes (aye)," or "no," or "abstain." No councilmember shall vote in absentia. A councilmember must be physically present at the time a vote is called in order for the councilmember to vote.
- 6.10 Numbering Ordinances and Resolutions:** Upon passage, a number shall be assigned to each ordinance or resolution by the city clerk.
- 6.11 Ordinance Passage Procedure:** When passed by the council, an ordinance shall be presented to the mayor for approval or veto and be attested to by the city clerk; and it shall be immediately filed, published and thereafter preserved in the office of the city clerk.
- 6.12 Introduction of Ordinances or Resolutions:** Any councilmember(s) sponsoring an ordinance or resolution shall first submit it to the city council, city manager and mayor during any council meeting before it may appear on a council agenda.

7. Committees

7.1 Committees:

(a) **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 full city council. The committee framework shall include the use of standing committees and special committees.

(b) Standing Committees:

(i). The council shall have the following three (3) standing committees, comprised of three (3) members of the council:

- (1) Policy and Finance
- (2) Economic and Community Development
- (3) Public Health, and Safety

The deputy mayor shall appoint the members of the standing committees. Appointments shall be made by the first meeting in May. 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.

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

(ii) The Council shall have the following standing committees comprised of all members of the council:

- (1) Budget
- (2) Long-range planning

The council shall select the chair of the Budget and Long-range planning committee, who shall serve a one (1) year term and can be reselected. The mayor shall serve as a non-voting, advisory member of the Budget committee.

(c) **Special Committees:** Special committees may be established when there is an issue which needs special focus and would be better handled outside standing committees. Special committees may be created by a majority vote of the council. 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.

The deputy mayor shall appoint the members of a special committee. The chair shall be designated by committee membership.

(d) **Duties of Committees:** It shall be the duty of the committees to act promptly and faithfully in all matters referred to them by the governing body.

(e) **Committee Powers:** All committees shall have the power to hold hearings and order production of books and papers relating to any subject within its jurisdiction. Standing committees shall make suggestions to improve their effectiveness. Standing committees may appoint subcommittees from their committee membership. A committee may discuss and examine any subject or item that has either been referred to the committee by council action, or which the committee, by majority vote, has decided to place on a committee agenda for its consideration.

(f) **Committee Procedure:**

(i) **Reference to Committee:** Any item coming before the city council may be referred to committee by majority vote of the council. The examination of any subject can be initiated by a committee upon majority vote of the committee.

(ii) **Consideration by Committee:** Each item referred to a committee shall remain in that committee until the committee shall act upon it or it is dislodged from the committee's consideration as provided for in the rules or until passage of sixty (60) calendar days, after which the item shall automatically be placed on the next available city council agenda, whichever occurs first.

(iii) **Committee Action:** An item shall be, upon majority vote of the committee, reported out of such committee by the chair. The action of the committee shall be reflected in one (1) of the following manners:

- (1) Do Pass
- (2) Do Not Pass
- (3) Without Recommendation
- (4) As Amended

- (A) Do Pass
- (B) Do Not Pass
- (C) Without Recommendations

An item reported out of committee shall be placed on a city council action meeting agenda, as provided by Rule 7.1(f)(ii) above. Both majority and minority reports of a committee may be filed at the request of any committee member, with the report proceeding to the city council.

An item may be reported out of a committee as originally referred, or with amendments. An item amended in committee and thereafter reported out of said committee must show on the face of the item's cover sheet the fact that it has been amended by the committee. This shall be the responsibility of the chair of the committee. Amendments approved by the committee shall be separately attached to the original item. The council may approve committee amendments by either adopting the committee report or voting separately on each amendment.

When a committee makes substantial amendments to an item they may report a substitute item for consideration by the council. The substitute item approved by the committee shall be separately attached to the original item. If the council accepts a substitute ordinance, it must have both a first and second reading before final council consideration.

(iv) **Discharge of an item from Committee:** The city council at any meeting held thirty (30) days or more after any item has been referred to a committee can, upon motion of any councilmember, determine by a recorded vote whether such committee shall be discharged from further consideration thereon.

If during the course of a regular council meeting, a majority of the council votes in the affirmative on said motion, the item shall be immediately delivered to the city clerk and before transacting any other business the city council shall determine by a majority vote of the members present, whether it should be committed to any other committee or shall proceed to be discussed and voted on by the city council at the next regular city council meeting. No item removed from a committee pursuant to this section shall receive final consideration by the city council during the same meeting in which it was removed from committee.

(v) **Standing Committee Meeting Times:** Each standing committee shall meet as needed. Special meetings may be called by the committee chair or by action of the committee. The city manager shall be notified of special committee meetings at least twenty-four (24) hours in advance of any meeting. Any request for resource staff will be included in the notification. The city clerk will be notified of the time, place, and items to be discussed at each committee meeting at least twenty-four (24) hours in advance of the meeting.

(vi) **Alternate Members of Committees:** If a member of a standing committee cannot be present at a meeting, an alternate may be appointed to serve at that meeting, with full voting rights. The alternate shall be appointed in the following order of priority:

- (1) An alternate councilmember of the absent member's request.
- (2) An alternate chosen by the chair from those other councilmembers present at the meeting.

(3) An alternate chosen by the deputy mayor at the request of the absent member or the committee chair.

(vii) **Quorum:** In order to meet and take action a majority of the committee members must be present.

(viii) **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.

If a member disagrees with a decision made by the chair concerning the agenda, the councilmember may appeal the decision to the full committee. A majority vote of the members present shall decide the question.

(ix) **Minutes:** Minutes shall be kept of each meeting. Minutes shall be reviewed and approved by the chair prior to submittal to the city council. A majority of the committee may amend the minutes at the next regular meeting of the committee. The minutes shall reflect the attendance of members and vote on each issue.

(x) **Public Comment:** Public comment may be allowed on any matter on a committee agenda, based on rules to be established by the committee. All rules of decorum and conduct for debate and comment established by these Topeka City Council Rules and Procedures shall be applicable to public speakers.

(xi) **Committee Expenses:** No committee shall incur any expense without having been authorized by a vote of a majority of the council.

(xii). **Rules:** All rules of the city council, including Robert's Rules of Order, shall apply to the committees.

8. Citizen Input

8.1 Manner of Addressing the Council: Each person addressing the council shall step up to the microphone and shall give his/her name and city of residence in an audible tone or voice for the record. All remarks shall be addressed to the council as a body, and not to any member thereof. No person, other than members of the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the council. No questions shall be asked of the councilmembers or by councilmembers, except through the meeting chair.

8.2 Personal and Slanderous Remarks: The following will not be tolerated: uttering fighting words, slander, speeches invasive of the privacy of individuals, unreasonably loud or repetitious speech, speeches so disruptive of council proceedings that the legislative process is substantially interrupted. Any individual engaging in any of these will be warned once by the chair, and if any of these is engaged in again, the speaker will be ordered to leave the podium. If necessary, the speaker will be escorted to a seat in the council chambers, or escorted from the chambers if such person persists in interfering with the ability of the council to reasonably carry out council functions.

8.3 Written Communication: Interested parties or their authorized representatives, may address the council by written communication in regard to any matter concerning the city's business or over which the council has control at any time by direct mail or by addressing the city clerk and copies will be distributed to the councilmembers.

9. *Suspension and Amendment of These 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 council. The vote on any such suspension shall be taken by ayes and noes and entered upon the record.

9.2 Amendment of These Rules: These rules may be amended, or new rules adopted, by a majority vote of all members of the council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior council meeting.