RESOLUTION NO. 8610

A RESOLUTION introduced by Councilmember Nathan Schmidt, adopting revised City Council Rules and Procedures.

WHEREAS, a revision of the City Council Rules and Procedures is necessary in order to complement recent changes to the Council meeting format and Charter Ordinance 112.

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RESOLVED that all prior rules and procedures and subsequent amendments as adopted by the City Council are hereby rescinded by reference.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 April 15, 2014.

CITY OF TOPEKA, KANSAS

______________________________
Larry E. Wolgast, Mayor

ATTEST:

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Brenda Younger, City Clerk
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1. **AUTHORITY**

1.1 **Charter:** TMC §A2-30 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 meetings of the council shall be open to the public, except for executive sessions as provided for by state statute. Persons attending meetings of the council 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:** Five members of the council shall constitute a quorum and be necessary for the transaction of business.

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

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 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 to make recommendations to the city council. The city manager shall observe the highest standard of ethics of the city manager profession. The city manager shall consult with the council on matters pertaining to the affairs of the city.

2.6 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 or her 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 interpretations of 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.

2.7 City Clerk: The City Clerk or a designated representative shall attend all meetings of the council and shall keep the official record (minutes) and perform such other duties as may be requested by the council.
2.8 **Officers and Employees:** When there is pertinent business from their departments on the council agenda, department heads or their designees shall attend such council meetings upon request of the city manager.

2.9 **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.

2.10 **Television Coverage:** Except as otherwise provided herein, the public portions of any city council meeting shall be televised live, subject to budget constraints or technical difficulties.

2.11 **Seating During Council Meetings:** The council shall be seated in council district order.

3. **TYPES OF MEETINGS**

3.1 **Council Meetings:** The council shall meet in the council chambers for meetings pursuant to TMC § 2.15.020.

3.2 **Special Council Meetings:** Special meetings may be called by the city manager, mayor or by four (4) or more members of the council. 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. 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. Only such business may be transacted at a special meeting as may be listed in notice. Except for emergencies, the city clerk shall provide documented notice of a special meeting to the city manager, the entire governing body, and shall post the notice on the City’s web site at least 24 hours prior to the meeting date.

3.3 **Council Committee Meetings:** Committee meetings may be held pursuant to Rule 8.

3.4 **Attendance of Media at Council Meetings:** All 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.

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 the behavior continues, the councilmember will be ordered to leave the council chambers and that order shall be effective after a two thirds 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?"

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

5. **AGENDAS**

5.1 **Preparation and Circulation:** The city manager shall create an agenda for council meetings. Each Thursday, the city clerk shall make available the agendas for the next two consecutive meetings and, absent technical difficulties, post the agendas to the City’s website.

5.2 **Addition and Removal of Items from the Agenda:** Notwithstanding section 5.1, items may be added to the agenda at a council meeting pursuant to TMC 2.15.040. The city manager may remove any item from the 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 council committee pursuant to Council Rule 8.5(b).
5.3 **Agenda Contents:** Each agenda shall include the following:

- Call to order.
- Invocation.
- Pledge of allegiance.
- Mayoral Proclamations.
- Presentations. Presentations include staff reports.
- Roll Call.
- Consent agenda. The consent agenda is comprised of routine matters to be approved collectively (e.g. Council minutes, appointments, license applications, claims). Any item may be considered separately by request of a council 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 takes action. (e.g. ordinances, resolutions).
- Non-action items. Non-action items include discussions, public hearings, and any other items not requiring action.
- 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 Council meeting.
- Public comment.
- 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 **Public Comment:**

(a) **General public comment:** Requests by members of the public to speak during the public comment portion of the 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. Comments pertaining to personnel and litigation matters shall not be allowed. 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.

(b) **Public comment on an agenda item:** Members of the public may comment concerning a specific agenda item at the time the item is considered. 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.
(c) Members of the public desiring to comment must notify the City Clerk by 5:00 p.m. on the day of the Council meeting. Members of the public addressing the council will be limited to four (4) minutes unless the council, by majority vote, extends the limitation. Debate, question/answer dialogue or discussion with council members will not be counted towards the four (4) minute time limitation.

5.6 Adjournment: Adjournment 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 Governing Procedure: "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.

6.2 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:

(a) "To Defer": 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.

(b) "To Refer": Such action shall be appropriate in connection with investigation and report.

(c) "To Strike": 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.

(d) 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 and discussed, the following motions shall be in order:

(1) "To approve": A specific recommendation or proposal.

(2) "To disapprove": A specific recommendation or proposal.
(3) "To request": A specific action.

(4) "To direct": A specific action.

(e) **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. The motion "to amend" shall be in order providing the motion for amendment is made with the consent of the maker and the second to the original motion. A motion shall be amended only once before a vote has been taken.

(f) **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.

(g) **To Reconsider a Motion/Item:** 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 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.

(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) **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. 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.

(i) 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.

(j) Calling 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 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 council have had an opportunity to speak to the current 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.

7. ORDINANCES AND RESOLUTIONS

7.1 Preparation of Ordinances and Resolutions:
(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 Consideration of Ordinances and Resolutions:
(a) Recording of Votes: All votes shall be reported in the official record of the council.

(b) 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 statute). When any vote is called each councilmember shall respond "yes (aye)," or "no,"(nay) 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.
(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 council meeting. This restriction shall not apply to ordinances or resolutions that (1) have no administrative impact; and (2) no fiscal impact greater than $5000.00.

7.3 Numbering Ordinances and Resolutions: 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 full city council. The committee framework shall include the use of standing committees and special committees.

8.2 Standing Committees:

(a) The council shall have the following four (4) standing committees, each comprised of three (3) members of the council:

- Policy and Finance.
- Economic and Community Development.
- Public Health and Safety.
- Transient Guest Tax.

(b) Appointment. 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.

(c) Term. 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.

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

- Budget
- Long-range planning
- Committee of the whole
The deputy mayor shall be the chair of the Budget, Long-range planning and the Committee of the whole. The mayor shall serve as a non-voting, advisory member of all standing committees comprised of all members of the council.

8.3 Special Committees:

(a) 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.

(b) The deputy mayor shall appoint the members of a 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 by the council. 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: Any item coming before the city council may be referred to a committee by majority vote of the council. The examination of any subject can be initiated by a committee chair or by majority vote of the committee.

(b) 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 subsection (d) or until passage of sixty (60) calendar days, after which the item shall be placed on the council agenda, whichever occurs first.

(c) Committee Action:

1. Recommendation. An item shall be, upon majority vote of the committee, reported out of such committee by the chair. The
recommendation of the committee shall be reflected in one (1) of the following manners:

- Pass the item
- Do Not Pass the item
- No Recommendation
- Pass As Amended

(2) Placed on Agenda. An item reported out of committee shall be placed on a council agenda. 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.

(d) Discharge from Committee:

(1) 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 council member, determine whether such committee shall be discharged from further consideration of the item.

(2) If during the course of a council meeting, a majority of the council votes in the affirmative on said motion, the council shall determine whether the item should be committed to any other committee or shall proceed to be discussed by the city council.

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 in the following order of priority:

(1) The absent committee member.

(2) The committee chair.

(3) 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 shall be reviewed and approved by the committee at the next meeting. The minutes shall reflect the attendance of members and vote on each issue.

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 Topeka City Council 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 a majority of the council.

8.13 **Rules:** The Council Rules 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.  **CITIZEN INPUT**

9.1  **Manner of Addressing the Council:** Each person addressing the council shall step up to the microphone and shall state the person’s name 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. Any questions asked by the person having the floor or by councilmembers shall be allowed at the sole discretion of the meeting chair.

9.2  **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 the behavior continues, 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.
9.3 **Communication with the Governing Body.** Nothing in these Council Rules shall be construed to limit a person’s ability to contact members of the governing body.

10. **SUSPENSION AND AMENDMENT OF COUNCIL RULES**

10.1 **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 included in the record.

10.2 **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 considered at a council meeting.