

City of Nerstrand

City Council Bylaws

I. **AUTHORITY.** City councils are authorized to adopt rules of procedure and provide for order at their meetings pursuant to Minn. Stat. § 412.191.

II. **PURPOSE.** The purpose of this policy on City council meetings is to set the groundwork for orderly and respectful communication between and among council members, City staff, and citizens to promote the efficient working of the public's business at City council meetings. These By-Laws do not create any third-party right of action against the City or any third-party rights.

III. **THE OPEN MEETING LAW.** The Minnesota Open Meeting Law, Minn. Ch. 13D, generally requires that all meetings of public bodies be open to the public.

A. This presumption of openness serves three basic purposes:

1. To prohibit actions from being taken at a secret meeting, where it is impossible for the interested public to become fully informed concerning decisions of public bodies, or to detect improper influences.
2. To ensure the public's right to be informed.
3. To afford the public an opportunity to present its views to the public body.

B. The City council views providing and encouraging citizen access to City meetings as one of its most important duties. As a result, all council and council committee meetings, including special and adjourned meetings, with the exception of closed meetings, as provided by Minn. Ch. 13D, shall be open to the public.

C. In calculating the number of days for providing notice under the Minnesota Open Meeting Law, the first day that the notice is given is not counted, but the last day is counted. If the last day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation and the following day is considered the last day (unless, it happens to be a Saturday, Sunday, or legal holiday).

D. In keeping with the intent of the Minnesota Open Meeting Law, City council members shall not use any form of electronic communications technology, such as text messaging or e-mail, to communicate with one another or third parties during a public meeting in a manner that is hidden or shielded from the public view.

E. Pursuant to Minn. Stat. § 13D.01, subd. 6, at least one copy of the written materials made available to council at or before the meeting shall also be made available for inspection by the public, excluding any non-public data, attorney-client privileged data, or materials related to agenda items of closed meetings.

IV. QUORUM. A simple majority of the council shall constitute a quorum for purposes of the open meeting law. When there is a five or four member board, a simple majority requires three members to be present to have a meeting. Where there is a three member board, a simple majority requires two members to be present to have a meeting. This does not define the number of members needed for various items of business that may come before the council. See section **IX. VOTING** for more information.

V. COUNCIL MEETINGS.

A. **Location.** All meetings, including special, recessed, and continued meetings, shall be held in the City council chambers, unless otherwise designated, pursuant to Minn. Stat. § 13D.04, subd. 2.

B. **Regular meetings.** A schedule of regular meetings shall be kept on file with the City clerk.

C. **Special meetings.** A special meeting is a meeting that is held at a time or location different from that of a regular meeting. A special meeting may be called by the mayor or any two City council members by filing a request for the meeting at least five days before the meeting. Days shall be counted as provided in III-C. Notice to the public of special meetings must be given pursuant to Minn. Stat. § 13D.04, subd. 2.

D. **Emergency meetings.** An emergency meeting may be called by the mayor or any two City council members. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. Posted or published notice of an emergency meeting is not required. However, the City will make a good faith effort to notify each news outlet that has filed a written request for notice. Notice must be given by telephone or any other method to notify members of the public body. The notice must include the subject of the meeting.

E. **Closed meetings.** The Minnesota Open Meeting Law allows some meetings to be closed to the public for defined purposes. When a meeting is closed, the presiding officer at the council meeting will state the reason for closing the meeting on the record and cite the state statute that permits closure.

F. **Recessed or continued meetings.** When a meeting is recessed or continued, the presiding officer shall state the time and place for the next meeting to occur pursuant to Minn. Stat. § 13D.04, subd 4. The time and place shall be noted in the minutes. If the time and place is stated and noted in the minutes, no additional notice of the meeting is required. However, if the time and place is not stated, the notice procedures for special meeting shall be required.

G. **Organizational meetings.** The council will conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:

1. Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
2. Select an official newspaper pursuant to Minn. Stat. § 412.831.

3. Select an official depository for City funds. This must be done within 30 days of the start of the City's fiscal year pursuant to Minn. Stat. §§ 427.01-.02; 118A.02, subd 1; 427.09.
4. Review council's bylaws and make any needed changes.
5. Assign committee duties to members.
6. Approve official bonds that have been filed with the clerk.

VI. PRESIDING OFFICER. The mayor shall preside at all meetings of the City council.

A. ***Role of the presiding officer.*** The presiding officer shall preserve order, enforce the City of Nerstrand Rules of Order as adopted in VII, and determine, without debate, all questions of procedure and order, subject to the final decision of the council on appeal as provided in VI-E. The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order.

B. ***Adjourning meetings.*** If considered necessary, because of grave disorder, the presiding officer may adjourn or continue the meeting to another time or suspend the meeting for a specified time.

C. ***Motions and voting.*** The presiding officer may make motions, second motions, speak on any questions, and vote on any matter properly before the council.

D. ***Absences of the presiding officer.*** In the absence of the mayor, the acting mayor shall preside. In the absence of both the mayor and the acting mayor, the City clerk shall call the meeting to order. The first order of business shall be to select a presiding officer for the meeting from the members present. The City clerk shall preside until the council members present choose a member to act as presiding officer.

F. ***Appeals of rulings of the presiding officer.*** Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.

1. ***Procedure for appeals.*** An appeal is made by motion. No second is need for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain his or her ruling, but no other council member may participate in the discussion.
2. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.
3. The appeal shall be sustained if it is approved by a majority vote of the council members present, exclusive of the presiding officer.

F. ***Temporary designation of a presiding officer.*** The presiding officer may choose to designate a temporary presiding officer before participating in debate on a given matter. In the alternative, the council may by majority vote of the council members present designate a

temporary presiding officer to preside over the debate on a given matter. The presiding officer shall resume presiding as soon as action on the matter is concluded.

VII. RULES OF ORDER. The proceedings of the City council shall be conducted in accordance with the City of Nerstrand Rules of Order.

VIII. DECORUM OF COUNCIL MEMBERS.

A. **Aspirational statement:** All council members shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.

B. **Aspirational statement:** No council member shall engage in conduct which delays or interrupts the proceedings, or which hinders honest, respectful discussion and debate.

C. **Aspirational statement:** City council meetings shall be conducted in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.

D. To effectuate these aspirational goals, City council members shall conduct themselves at council meetings in a manner consistent with the following:

1. No council member shall engage in private conversation or pass private messages while in the chamber in a manner so as to interrupt the proceedings of the council.
2. No council member shall leave his or her seat or make any noise of disturbance while a vote is being taken and until the result of the vote is announced.
3. No council member shall use profane or obscene words or use language that threatens harm or violence toward another person during a council meeting.
4. No council member shall speak on any subject other than the subject in debate.
5. No council member shall speak without being recognized by the chair; nor shall any council member interrupt the speech of another council member.
6. No council member shall disobey the City of Nerstrand Rules of Order adopted in VII or a decision of the presiding officer on questions of order or practice or upon the interpretation of the rules of council.
7. No council member shall engage in disorderly conduct that disturbs or disrupts the orderly conduct of any meeting.

IX. VOTING.

A. The votes of the City council will be taken by voice vote. The presiding officer shall announce the results of all votes of the council.

B. A clear statement of the matter being voted upon and the names of those voting for and against the matter shall be recorded in the official minutes.

C. Council members may ask for a roll call of the vote by the clerk on any motion or resolution.

D. The clerk may ask for a verification roll call if the vote of a council member is not clear on the voice vote.

E. A majority vote of the quorum present shall be sufficient for all matters before the council, unless otherwise provided by state law.

F. Whenever a matter is put forward for a vote, every council member shall vote, unless a bona fide conflict of interest, as defined by state law, exists. Council members must announce the conflict as early as possible before discussion or voting. When a council member is disqualified from voting due to conflict of interest, the effect is the same as if there were a vacancy on the council for that topic.

G. Vacancies, absences, abstentions, and disqualifications

1. When a majority vote is required, this is defined as the majority vote of those present and voting. Abstentions do not act count as a “no” vote.

2. When a full majority vote is required, 3/5 of council members must vote yes, regardless of how many members are absent, vote no, are disqualified, or abstain. In this case, a disqualification can act like a vacancy and an abstention can act like a “no” vote.

3. Reasons for an abstention must be stated by the member and entered into the minutes.

X. MEETING SCHEDULE.

A. Each meeting of the council shall convene at the time and place appointed. All public hearings shall commence at the advertised time.

B. Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority vote of council members present. The prepared agenda may also be altered by the presiding officer to accommodate the advertised time of a public hearing.

C. The last item on the agenda will be commenced no later than 8:45 p.m.

D. If all business has not been completed, the meeting may be continued to another date and time following the notice provisions in V-F.

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

1. Call to order.

2. Call of roll.

3. Public hearings (when scheduled). See section XVI for details of this process.

4. Public forum and correspondence. See section XV for details of this process.

5. Consent agenda (see Bylaw section XIII)

Approval of minutes from previous meeting (if no changes)

Board/ Commission/ Committee/ Staff **reports** not requiring discussion (if any)

Presentation of claims

6. Acknowledgement of receipt of board/commission **minutes** (if any)
7. Board/ Commission/ Committee/ Staff reports requiring discussion (if any)
8. Ordinances and Resolutions
9. New business.
10. Unfinished business.
11. Miscellaneous Announcements
12. Adjournment.

XII. AGENDA. An agenda will be prepared for all regular council meetings by the City clerk. When a special meeting is called, the agenda must be included in the request for the meeting and in the publication of the notice of the meeting pursuant to Minn. Stat. § 13D.04, subd. 2.

A. Requests from members of the public

- Members of the public may request an item be added to the agenda.
- Requests must be received on the form prescribed by the City for members of the public. Complaints must be submitted using the complaint form. Both forms are available on the website or at City hall.
- The form should be completed with the goal of clearly describing the subject matter to be considered by council and any action requested or required.
- Supporting information may be delivered to the City clerk via email or by using the drop box, as necessary.
- Requests must be submitted to the City clerk by **6:00 pm the Tuesday** a week prior to the next council meeting.
- Forms are available in council chambers or online on the City website.
- As an alternative to adding items to the agenda, members of the public may choose to use the public comment forum during the council meeting to present topics to the council. See section XV for details of this process.

B. Requests from City council members and City staff

- City council members and City staff may submit items to be added to the agenda.
- Requests from council members and City staff must be received by the City clerk by **6:00 pm the Thursday** prior to the next council meeting.
- City council members and City staff are not required to use the form prescribed for members of the public.

D. The agenda, along with information materials, will be mailed, emailed, or hand delivered to all City council members at least 3 days prior to the next council meeting (generally Sunday before council).

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

A. Items that require findings of fact or an explanation of council actions, such as land use matters and the consideration of license requests, should generally not be placed on the consent agenda.

B. An item on the consent agenda may be removed from consideration by the request of any one council member. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.

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

A. The minutes shall contain at minimum:

1. The City council members who are present.
2. Type of meeting (regular, special, continued, emergency).
3. Date and place the meeting was held.
4. Time the meeting was called to order.
5. Approval of minutes of the previous meeting, with any corrections.
6. The members who make or second motions.
7. Roll call vote on motions.
8. Subject matter of proposed resolutions or ordinances.
9. Whether the resolutions or ordinances are defeated or adopted.
10. The votes of each member, including the mayor.
11. A statement of findings of facts and an explanation of council action, including specific reasons for approval and disapproval, on all land use and licensing matters.
12. Listing of all bills allowed or approved for payment, noting the recipient, purpose, and amount.
13. Approval of hourly rates paid for services provided, mileage rates, meal-reimbursement amounts, and per diem amounts.
14. List of all transfers of funds.
15. Authorizations and directions to invest excess funds, and information on investment redemptions and maturities.
16. Approval of minutes of the previous meeting, with any corrections.
17. Identity of parties to whom contracts were awarded.
18. Abstentions from voting due to a conflict, and the member's name and reason for abstention.

19. Appointments of representatives to committees or outside organizations.

20. Name and brief summary of subject matter of citizens appearing before council during public comment period.

B. The minutes of each meeting shall be typed and signed by the clerk. Copies of the minutes shall be included in the agenda for the next council meeting.

C. At the next regular meeting, approval of the previous meeting's minutes shall be considered by council.

1. The meeting minutes do not need to be read aloud.

2. The presiding officer shall call for any additions or corrections.

3. If there is no objection to an addition or correction, it will be made without a vote of the council.

4. If there is an objection, the council shall vote upon the addition or correction by roll call vote.

5. Council shall take formal action by vote to approve the minutes as distributed or as amended.

D. Minutes shall be published as required by Minn. Stat. §§ 412.191, 331A.08, subd. 3, 331A.01, subd 10.

XV. PUBLIC COMMENT AT COUNCIL MEETINGS AND AT PUBLIC HEARINGS

A. ***Public participation and comment at council meetings.*** City council meetings are the forum for the City council to conduct the City's business. While City council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. As such, members of the public are not allowed to participate in council discussion and debate without a specific invitation and/or formal recognition by the presiding officer. Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or action that may disrupt the proceedings of council.

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

C. ***Public comment period.*** A limited forum for members of the public to speak with the council is provided on the agenda. Public comments during the public comment period are subject to these limitations:

1. Speakers must sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The signup sheet will be available at the start of the City council meeting.

1. Speakers must be recognized by the presiding officer before speaking and are limited to three minutes for comment.
2. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson.
3. The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of City business. If there is not sufficient time at the meeting to hear all public comments, the comment period may be deferred to the next regular council meeting or at a continued meeting.
4. Speakers must direct their remarks toward the presiding officer.
5. Speakers shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public.
6. Speakers are required to follow the direction of the presiding officer.
7. Speakers who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means. In emergency situations, or when conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the speaker.
8. Council will generally not respond at the same meeting where an issue is initially raised by a member of the public. Matters raised for the first time by members of the public will generally be referred to staff for further research and possible report or action at a future council meeting.

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

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

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

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

4. Developer/other presentation (if any).

5. Public comments.

6. Reading of written comments if they are signed.

7. Presiding officer formally closes the public hearing portion of the meeting.

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

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

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

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

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

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

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

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