

CITY OF BERE A LEGISLATIVE BODY

Municipal Order 03 -2023

Conduct of Legislative Body Meetings

To provide guidance to ensure that the legislative body meetings of the City of Berea maintains order and completes the business at hand in a professional , successful and constructive manner, the following rules are adopted and become effective upon approval. This Municipal Order revises and amends Municipal Order 02-2019 as set out hereafter.

1. OFFICERS

A. Presiding Officer

The presiding officer shall be the mayor. In the case of the mayor's absence, the legislative body shall ~~must~~ choose from its members a presiding officer. A legislative member serving as the presiding officer retains all of his or her legislative power.

The duties of the presiding officer are as follows:

1. Call the meeting to order.
2. Control the general flow of the meeting by announcing in proper order the business on the agenda, and may, with the assistance of the City Clerk, act as time keeper in debate or comment.
3. Recognize members entitled to the floor.
4. State and put to a vote all motions (questions) that arise during the meeting and announce the results on all votes.
5. Rule all motions that are improperly made as "out of order."
6. Enforce the legislative body's rule of order and maintain the decorum of the meeting.
7. Decide all points of order raised by the members.
8. Expedite business in every way compatible with the rights of the members.
9. Respond to all requests and inquiries of the members relevant to the business at hand.
10. Declare the meeting adjourned.

B. Legislative Body Members

Only members of the legislative body may introduce motions, second notions, debate issues, and vote on matters (except the mayor may vote in the case of a tie on some items). Legislative body members should be knowledgeable about general parliamentary rules, and standing rules adopted by the body, address all remarks through the presiding officer, and refrain from disturbing the meeting in any way (including obstructing business or using dilatory parliamentary tactics.)

C. City Clerk

Listed below are the functions performed by the city clerk at legislative body meetings. In the absence of the city clerk, the presiding officer or legislative body must appoint another individual to perform the duties of the city clerk.

The duties of the city clerk are as follows:

1. ~~Call or record~~ Record the roll call vote.
2. Take minutes of the meeting.
3. Act as time keeper during debate.
4. Track the progress of the meeting and the status of the agenda.
5. Advise the presiding officer when requested to do so, record the vote on all matters and inform the presiding officer of the vote count when applicable.
6. Perform any other function required by the rules of the legislative body or requested by the presiding officer.

D. **PARLIAMENTARIAN:**

The parliamentarian gives explanation or advice on procedural matters, but he or she does not make rulings. Only the presiding officer makes rulings on procedural matters. The City Attorney shall act as the parliamentarian. The presiding officer may appoint a temporary parliamentarian for the duration of a meeting if the City Attorney is not present.

II. AGENDA

A. **PREPARATION**

The agenda will be prepared by the city clerk after consultation with the mayor, members of council, and other appointed city officers.

B. **NOTICE**

1. Agendas for regular meetings, including any supporting documents for items on the agenda, will be included in the individual legislative body member's packet and delivered via

email no later than Friday preceding the regular legislative body meeting on the first and third Tuesday of each month.

2. If a special meeting is called in accordance with KRS 61.823, the agenda and the written notice of the meeting will be delivered to each member at least twenty-four (24) hours in advance of the special meeting. In addition, each member will be contacted by phone if possible and informed of the meeting and when the agenda will be delivered. All non-elected members of the City Staff including the City Clerk, City Attorney and City Administrator will be notified of any special meetings that are scheduled and shall be advised if their presence is necessary at the meeting.
3. News media that has requested notification shall be notified of all meetings as required by statute. Regular and special meetings will be publicized as prescribed by Kentucky Revised Statute, which takes precedence over other guidelines.

C. Format

- a. Open ceremonies for the City of Berea will be an invocation and a pledge to the American flag. A designated Council Member will be responsible for the scheduling of the leaders for both the invocation and pledge.

The City Clerk will record the official list of all legislative body members to identify which members are present and which members are absent. This can be accomplished by a calling of the roll.

- b. Review of the minutes: Reading of the minutes may be dispensed with by motion and vote. Minutes will not be read in their entirety if they were distributed to the legislative body members at least twenty-four (24) hours prior to the meeting's scheduled call to order time. Minutes may be amended by the legislative body if desired.
- c. Approval of meeting agenda: The legislative body will review and approve the agenda, with any agreed upon amendments. Once the agenda is agreed to, its order can only be changed through suspension of the rules.
- d. Reports of Officers and Committees: The mayor, appointed city officials, and legislative body committee representatives may report. Items suggested for action by the mayor or appointed city officials may be taken up at this time as long as a motion has been made and seconded by members of the legislative body.
- e. The legislative body may consider either Unfinished or New business at a regularly called meeting with consent from the presiding officer. If the discussion introduces a simple motion, resolutions, orders, and/or an ordinance the agenda must be amended to accommodate such discussion or vote. Legislative body members may make a motion to take any discussion from the table that is presently on the table.
- f. Public Comment: This time allows members of the community to speak at regular council meetings. ~~about any issue~~. Comments are to be limited to three minutes unless additional time is granted by the presiding officer. The City Clerk is to serve as the time keeper. The time limit for Public comment provided in the setting of a public hearing before the legislative body will be established by the presiding officer and kept by the City Clerk.

Announcements of community and civic events may be made during the time recognized for public comment.

- g. Legislative Body Comments: Legislative body members are permitted to offer comments or observations about the community and operations of the City business.
- h. Adjournment: a meeting ends upon adjournment. A motion from the floor must be made and seconded to adjourn the meeting. The motion is not debatable and cannot be amended and requires a majority vote.

Special Meetings: Action taken at special meetings is limited to items listed on the agenda in the notice. The special meeting agenda items must be limited to only address the specific purpose for which the meeting is called.

III. PROCEDURES:

A. Convening the Meeting

Before the presiding officer calls the meeting to order, it is his or her duty to determine, although he or she need not announce, that a quorum is present. If a quorum has not been obtained after 15 minutes, the presiding officer calls the meeting to order, announces the absence of a quorum, and entertains one of the following motions:

1. Take measures to obtain a quorum.
2. Recess
3. Adjourn

Once a quorum is present, the presiding officer proceeds according to the meeting agenda.

B. Motions

Motions are how business is brought before the legislative body and are how business is handled. There are five types of motions.

1. Main motions
2. Subsidiary motions
3. Privileged motions
4. Incidental motions
5. Motions that bring a question back before the body.

The three steps by which motions are normally brought before the body are as follows:

1. A legislative body member makes the motion. (The member says "I move to ...," "I move that ...," or "I offer...")
2. Another member seconds the motion.

3. The presiding officer states the question on the motion. (This should not be confused with calling or putting the question, which is to take a vote.)

A. Main Motions:

A main motion is used to begin consideration of an issue. A main motion cannot be made while another motion is being considered. Once it is seconded, it may be debated, amended, adopted or defeated.

B. Subsidiary Motions

Subsidiary motions assist the legislative body in treating or disposing of a main motion. Each subsidiary motion outranks, or takes precedence over, the subsidiary motion(s) listed before it. The subsidiary motions are as follows:

1. Postpone Indefinitely

This motion postpones action on the proposal indefinitely, effectively killing the motion without actually voting on the main motion itself. It requires a second, is debatable, is not amendable, and requires a majority vote.

2. Amend

This motion changes the wording of the main motion (or subsequent motions) by adding, removing, or replacing text. It must also be germane to the underlying main motion. It requires a second, it is debatable, is amendable (only one additional level of amendment), and requires a majority vote.

3. Commit or Refer to a Committee

This motion refers ~~to~~ the main motion and any related amended motions to a committee of the legislative body. It requires a second, is debatable, is amendable, and requires a majority vote.

4. Postpone Definitely or to a Certain Time

This motion postpones consideration of the main motion and related amendments or commits motions to a point later in the meeting or to the next regular meeting. It requires a second, is debatable, is amendable and requires a majority vote.

5. Limit or Extend Limits of Debate

This motion either imposes stricter time limits ~~or~~ on debate or extends the time limits during debate. It requires a second, is not debatable, is amendable, and requires a two-thirds majority vote.

6. Previous Question

This motion stops debate and requires an immediate vote. It requires a second, is not debatable, is not amendable, and requires a two-thirds majority vote.

7. Lay on the Table

This motion sets aside the main motion and related subsidiary motions for a more pressing matter. It requires a second, is not debatable, is not amendable and requires a majority vote.

C. Privileged Motions

Privileged Motions deal with special matters of immediate importance. Each privileged motion outranks, or takes precedence over, the privileged motion(s) listed before it and all subsidiary motions. The privileged motions are as follows:

1. Call for the Orders of the Day (Enforce Rules)

This motion requires the body to take up the regular orders if they have strayed from the agenda. It does not require a second, is not debatable, is not amendable, and requires a ruling from the presiding officer.

2. Raise and Question of Privilege

This motion is used when a pressing situation affects the rights of the legislative body members, such as if the room is too hot or loud. It does not require a second, is not debatable, is not amendable, and requires a ruling from the presiding officer.

3. Recess

This motion is used to get a short intermission of the meeting without calling for adjournment. It requires a second, is not debatable, is amendable (only the time), and requires a majority vote.

4. Adjourn

This motion is used to end the meeting. It requires a second, is not debatable, is amendable, and requires a majority vote.

D. Incidental Motion

Incidental motions deal with the main motion or related motions dealing with procedure. These motions are dispensed with immediately and do not outrank each other. Some of the valid incidental motions include the following:

1. Point Of Order

This motion is used to point out a breach in proper procedure. The chair must then make a ruling on the point of order, which can be appealed by the legislative body.

2. Appeal:

This motion is used to appeal the ruling of the presiding officer and put the ruling to a vote. This motion requires a second, is usually debatable, is not amendable, and requires a majority vote.

3. Suspend the Rules:

This motion can temporarily suspend some of the standing rules of the legislative body, such as time limits used in debate or the order of the agenda. This motion requires a second, is not debatable, is not amendable, and requires a two-thirds majority vote.

4. Parliamentary Inquiry:

This request asks the presiding officer's opinion on a matter of parliamentary procedure as it relates to the business at hand. The presiding officer replies, but does not officially issue a ruling.

5. Point of Information:

This request is made to find out facts affecting the business at hand. It is directed to the presiding officer or through the presiding officer, to another member.

6. Request to Withdraw or Modify a Motion:

This motion is used to withdraw or modify a motion. If it has not been stated by the Presiding officer, then the maker may withdraw or modify the motion based on another member's request. If the motion has been stated by the presiding officer, it requires a second if the maker of the original motion makes the request, it is not debatable, it is not amendable, and requires a majority vote.

E. Motions to Bring a Question Back

These motions bring a question again before the legislative body. These motions can usually only be made while no other business is pending.

1. Take From the Table

This motion is used to resume consideration of an item of business that was laid on the table (when the motion to "lay on the table" was used earlier in the meeting or at the most recent regular meeting). This motion requires a second, is not debatable, is not amendable, and requires a majority vote.

2. Amend Something Previously Adopted or Repeal

This motion is used to repeal or amend something previously adopted. These motions require a second, are debatable, are amendable, and requires two-thirds majority vote unless notice was

given at the previous regular meeting or with the agenda (then only a majority vote is necessary).

3. Discharge a Committee

This motion is used to bring an item that was previously referred to a committee back before the entire legislative body. This motion requires a second, is debatable, is amendable, and requires a two-thirds majority vote unless notice was given at the previous regular meeting or with the agenda (then only a majority vote is necessary).

4. Reconsider

This motion is used to vote again on eligible items of business that were adopted earlier in the same meeting. Only a legislative body member who voted with the prevailing side (one who voted "aye" when the motion carried or voted "no" when the motion failed) may move to reconsider. This motion requires a second is not debatable, is not amendable, and requires a majority vote.

F. LACK OF A QUORUM DURING A MEETING

When a member of the legislative body exists the meeting, the meeting shall continue in his or her absence if a quorum remains. If a quorum does not exist, the presiding officer must announce the absence of a quorum and entertain one of the following motions:

1. Take measures to obtain a quorum.
2. Recess
3. Adjourn

If no motions are made at the time a quorum does not exist, the presiding officer may order a recess of no longer than fifteen (15) minutes or declare the meeting adjourned. If at the end of the recess ordered by the presiding officer a quorum still does not exist, the presiding officer shall declare the meeting adjourned.

G. Parliamentary Authority

In all cases of meeting procedure not addressed by the Kentucky Revised Statutes, City ordinances, or this municipal order, the governing authority shall be the most recent edition of Robert's Rules of Order Newly Revised.

IV. MINUTES

A. Preparation

Minutes will be promptly recorded and will be made available for public view no later than the first day following the next legislative body meeting. Minutes will be prepared and recorded in a brief specific manner. Votes and formal action taken regarding proclamations, municipal orders,

motions, resolutions, or ordinances must be recorded. Motions must be entered in their entirety. Proclamations, resolutions, municipal orders and ordinances shall be entered by descriptive title and reference. Ordinances will be assigned identifying numbers only and must be approved by the legislative body. If an ordinance fails legislative approval the numbering sequence is not to be disturbed for future ordinances (the number of the failed ordinance is to be assigned to the next ordinance up for approval, if the ordinance is recalled the ordinance is to receive a new number to remain in sequence). Discussions during debates or conversations are not required to be entered into the minutes.

B. FORMAT

The minutes of the legislative body or committees thereof should include the following:

1. Type of meeting (regular or special called or committee)
2. Day, date, time, and place of meeting
3. The Word "minutes" in the heading
4. Name of the meeting body.
5. Members present, beginning with the presiding officer
6. Members absent
7. Guest and staff present
8. Time the presiding officer calls the meeting to order
9. Presence of a quorum
10. Action taken on Last meeting's minutes
11. Actions reported by standing or ad hoc committees, if applicable
12. New business
13. Adjournment
14. Signature lines for the City Clerk and the presiding officer.

C. OFFICIAL COPY

The official copy of the minutes, which contains all changes that were made and bears the signatures of individuals required to sign the minutes, must be maintained in the minutes book of the City and posted to the City's Web-site.

V. Standing Rules

A. TIME LIMITS

The following time limits apply unless suspended pursuant to this order:

1. Legislative body members are allowed during debate to speak twice on a particular issue for not longer than three (3) minutes each time. Members may not yield any unexpired time to another member or reserve such time for him or herself. Time will not be charged to the original speaker if he or she yields to another member's question through a Point of Information.
2. Official reports from non-legislative body member are limited to ten (10) minutes, exclusive of direct questions asked by the legislative body.
3. Legislative body member comments immediately following new business or those made while reporting as chairman from a committee are limited to five (5) minutes.
4. Public comments during an open forum are limited to three (3) minutes.
5. Announcements made during the public comment period are limited to two (2) minutes.

B. Public Comment Requirements

Members of the public may only publicly address the legislative body during the public comment period of the agenda. Any member of the public who wishes to address the legislative body during the time must provide his or her name and street address and business or organization he or she is representing, if any, prior to stating his or her comments. Citizens may speak on any City government-related matter. Each speaker is limited to three (3) minutes total.

~~During the public comment section of the agenda the public is given the opportunity to speak to the Council.~~ Any public comments exceeding three (3) minutes should be scheduled through the Mayor's office and will be placed on the agenda.

~~Comments should be business oriented and the speaker is to refrain from inappropriate language or the naming any person individually.~~

The purpose of City Council meetings is to discuss City business and not to deal with individual personalities. Consequently, during any City Council meeting, the presiding officer shall not permit any personally-abusive attacks upon any person, business, or employer during the debate or public discussion. References to individuals, businesses, or employers who are not specifically identified but who are identifiable by personal or business references shall be treated as specific reference to the individual, business, or employer. Nothing herein is intended to limit or restrain negative, positive, or neutral comment about the manner in which an individual employee, officer, or councilmember carries out his or her duties in public office or employment.

Conduct contrary to the normal presentation of business during a Council meeting which disturbs or interrupts the orderly process of the proceeding is a disturbance. No speaker shall make any slanderous or profane remark which otherwise disturbs, disrupts, or otherwise impeded the orderly conduct of any Council meeting. The presiding officer shall enforce these rules of procedure. The presiding officer may ask commenters to submit comments in writing to the Mayor's office in lieu of or in addition to comments, for distribution to all Councilmembers.

C. Meeting Etiquette

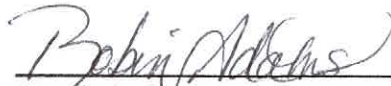
Comments made during debate by members of the legislative body must be germane to the issue at hand and must never attack or question the motives of other members.

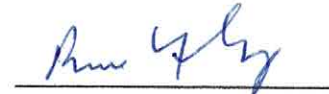
Any individual who, in the opinion of the presiding officer or the legislative body, becomes abusive, belligerent, profane, or disruptive to the meeting shall be asked to remain orderly or to leave the meeting. The presiding officer or legislative body may require that the individual be escorted from the meeting room if necessary for the orderly conduct of the meeting.

This Municipal Order has been reviewed and agreed upon by the legislative body of the City of Berea and shall remain in effect until repealed, superseded, or amended by the Berea City Council.

A copy of this municipal order will be posted and remain on file in the Berea City Clerk's Office.

This order was presented to the legislative body of the City of Berea, Kentucky, during their regularly scheduled meeting conducted on February 21, 2023.


City Clerk: Robin Adams


Mayor: Bruce Fraley