**City of Birchwood Village**

**Rules of Procedure**

The City Council of the City of Birchwood Village hereby adopts the following Rules of Procedure to guide the actions and conduct of the City Council, staff, and the public in the performance of city business.

**ARTICLE 1 GENERAL REQUIREMENTS**

***1.01. AUTHORITY.*** The City of Birchwood is authorized to adopt rules of procedure and provide for order at city council meetings pursuant to Minn. Stat. § 412.191.

**1.02.**  ***PURPOSE.*** The purpose of these Rules of Procedure is to establish procedures for the conduct of the city council and to provide for orderly and respectful communications between and among council members, city staff, and citizens to promote the efficient working of the public’s business at city council meetings.

**1.03. STATE LAW.** All meetings of the city council shall be conducted in accordance with requirements of state law. The requirements of these Rules of Procedure shall be interpreted and applied consistent with other applicable requirements of state law. In the event state law shall impose requirements that are in addition to the requirements of these procedures or inconsistent with these procedures, the state law shall prevail.

**ARTICLE 2 COUNCIL MEETINGS**

**2.01.** **COUNCIL MEETINGS**. Article 2 establishes requirements for scheduling and noticing city council meetings.

**2.02. LOCATION.** All meetings, including regular, special, recessed, and continued meetings, shall be held at the city hall, unless otherwise designated pursuant to Minn. Stat. § 13D.04.

**2.03. REGULAR MEETINGS.** A schedule of regular meetings shall be kept on file with the city clerk.

**2.04. 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 with the city clerk at least three days before the meeting. The mayor or council members calling for a special meeting shall designate the purpose of the meeting. No special meeting shall be scheduled without first confirming that a quorum will be able to attend.

**2.05. EMERGENCY MEETINGS.** An emergency meeting is a special meeting called because of circumstances that, in the judgment of the city council, require immediate consideration by the council. An emergency meeting may be called by the mayor or any two city council members. No emergency meeting shall be scheduled without first confirming that a quorum will be able to attend.

**2.06. CLOSED MEETINGS; OPEN MEETING LAW.** The Minnesota Open Meeting Law, Minnesota Statutes chapter 13D, allows some meetings to be closed to the public for defined purposes. No meeting of the city council shall be closed to the public except in conformance with the requirements of the Open Meeting Law. When a meeting is to be closed, the presiding officer shall state in public on the record before closing the meeting, the reason for closing the meeting and the state statute that permits closure. The presiding officer shall give a summary of the discussion at the closed meeting at the first open meeting following the closed meeting.

**2.07. RECESSED OR CONTINUED MEETINGS.** When a meeting is recessed or continued, the presiding officer shall state, pursuant to Minn. Stat. § 13D.04, subd. 4, the time and place for the next meeting to occur. The time and place shall be noted in the Minutes.

**2.08. ORGANIZATIONAL MEETING.** The council shall conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:

(a) Appoint an acting mayor pursuant to Minn. Stat. § 412.121.

(b) Select an official newspaper pursuant to Minn. Stat. § 412.831.

(c) Select an official depository for city funds.

(d) Establish the schedule for regular city council meetings.

(e) At the organizational meeting held the January after a general election, acknowledge the pay for the Mayor and Council members.

**2.09. WORKSHOPS.** The mayor or two council members may call for a workshop. A workshop is a meeting of the council with other governmental bodies or organizations or persons for the purpose of advising the council about matters of interest to the city and the council. A quorum need not be present to hold a workshop. The council shall not take any formal action at a workshop unless proper notice is given in advance that such action may be taken and a quorum is present.

**2.10. NOTICE OF MEETINGS.**

 (a) *Notice Generally.* The council shall give such notice of all meetings of any kind as shall be required by state law.

 (b) *Posted Notice.* The city shall post a notice and an agenda of each meeting on the bulletin board outside city hall at least three days in advance of the meeting, except for emergency meetings.

 (c) *Emergency Meetings.* 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.]

 (d) *Recessed or Continued Meetings.* If the time and place of a recessed or continued meeting are stated at the meeting that is recessed or continued, no additional notice of the meeting is required. However, if the time and place are not stated, the notice procedures for special meeting shall be required. Additional notice may be given if time and circumstances permit.

 (e) *Workshops.* The council shall give at least three days notice of a workshop by posting notice on the bulletin board outside city hall and by whatever other means the council determines are appropriate.

 (f) *Days.*  In calculating the number of days for providing notice, the first day that the notice is given is not counted, but the day of the meeting is counted. If the meeting day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation.

 (g) *Webpage.* The city shall to the extent reasonable post notice of all meetings and workshops on the city webpage.

 *(h) E-mail.* The city shall provide notice via e-mail of all meetings and workshops to individuals who have requested such notice and provided an e-mail address to the city.

**ARTICLE 3 AGENDAS**

**3.01. AGENDA.** The city clerk shall prepare an agenda for all city council meetings and workshops in accordance with the requirements of Article 3.

**3.02. COUNCIL MEMBER ITEMS.** The mayor and any city council member may request that an item be placed on a meeting agenda. The clerk shall determine whether to place the matter on the agenda, considering the number of items already on the agenda and whether supporting materials are available and the urgency of the matter. The city council member whose requested agenda item has not been placed on the agenda may bring the matter to the attention of the council at the beginning of the council meeting. The council may agree by majority vote to add the item or items to the agenda or direct the clerk to include the item or items on a future meeting agenda.

**AMENDED by Resolution 2019-04, January 8, 2019**

**3.03. PUBLIC ITEMS.** Any person may request that an item be placed on a council agenda with council member sponsorship. All requests to place an item on an agenda shall describe the subject matter to be considered by the council and any action requested. The clerk may require the person to submit the request in writing. The clerk shall determine whether or not to place the item on the agenda. Any person whose requested agenda item has not been placed on the agenda may appear at the council meeting and bring the matter to the attention of the council pursuant to section 3.06 and 4.08 (Public Forum).

**AMENDED by Resolution 2019-04, January 8, 2019**

**3.04. CONSENT AGENDA.** The clerk may include a consent agenda for items that can be approved by the council without discussion and with only one motion and vote. Any item on the consent agenda may be removed from consideration by the request of any one council member. Any item removed from the consent agenda shall be placed on the regular agenda for discussion and consideration at a time determined by the presiding officer.

**3.05. MINUTES.** The agenda shall include an item for consideration of the Minutes from the previous meeting or meetings if such Minutes are available.

**3.06. PUBLIC FORUM.** Each regular meeting shall include a time for the public to address the council on any matter. This item shall be placed early in the agenda to accommodate the public. The public forum item may be used to announce upcoming community events.

**3.07. ACTION ITEMS.** Other than for routine matters like approval of Minutes and adoption of the agenda, the clerk shall include with each item on the agenda a description of the action the council will consider taking.

**3.08. DOCKET NUMBERS.** The clerk may assign a docket number to each major item on a meeting agenda. The docket number, once assigned, shall continue with the matter for future reference and action.

**3.09. AVAILABILITY OF AGENDA.** The agenda for any meeting, except an emergency meeting, shall be prepared at least five days in advance of the meeting. The agenda shall be posted on the city bulletin board at city hall and posted on the city webpage.

**3.10. DELIVERY TO COUNCIL.** For all regular meetings the agenda for each meeting, along with any supporting materials for the various items on the agenda, shall be delivered to each council member at least five days in advance of the meeting. For emergency meetings and special meetings, the clerk shall deliver the required materials as far in advance of the meeting as time permits. Delivery may be by mail or e-mail or by actual delivery to the council member. The council may allow additional written materials to be submitted after this date or at the meeting but the council can also determine to postpone consideration of the matter to allow additional time to consider late-filed information.

**ARTICLE 4 CONDUCT OF MEETINGS**

**4.01. CONDUCT OF MEETINGS.** All meetings of the council shall be conducted in accordance with the requirements and procedures set forth in Article 4.

**4.02.** **QUORUM.** No meetingof the city council shall occur without the presence of a quorum. A simple majority of the council – three members – shall constitute a quorum for the valid transaction of any scheduled business to come before the council.

**4.03. MEETING CANCELLATION.** The clerk shall cancel any scheduled meeting of the city council when it is determined that a quorum will not be present for the meeting. In such event, the clerk shall post notice of the cancellation on the bulletin board outside city hall and provide notice to all council members by e-mail or telephone and to all individuals who have requested to be notified by e-mail of all council meetings. Any subsequent meeting scheduled after cancellation of a meeting shall occur only after compliance with applicable notice requirements.

**4.04. PRESIDING OFFICER.** The mayor shall preside at all meetings of the city council, unless the mayor is absent, in which case the deputy mayor shall preside. In the absence of both the mayor and the deputy mayor, the city clerk shall call the meeting to order and the remaining three council members shall decide who shall preside. The presiding officer shall have the following duties and authority:

(a) *Preserve Order.* The presiding officer shall preserve order and decorum, enforce the requirements of chapter 104, and determine all questions of procedure and order, subject to the final decision of the council on appeal as provided in paragraph (e).

(b) *Council Discussion.* 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 had an opportunity to speak.

(c) *Motions and Voting.* The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order. The presiding officer may make motions, second motions, speak on any question, and vote on any matter properly before the council.

(d) *Adjourn Meetings.* If considered necessary to preserve order, the presiding officer may adjourn or continue a meeting to another time or suspend a meeting for a specified time.

*(e) Appeal of Ruling.* In the event a council member disagrees with the ruling of the presiding officer on a procedural matter, the council member may make a motion to appeal the decision to the full council. The member making the motion may speak once on the motion and the presiding officer may explain the ruling, and other council members may speak once on the motion. Once both the maker of the motion and the presiding officer have been heard, the matter shall be voted on by the council.

**4.05. ADOPTION OF AGENDA.** The council shall follow the agenda that has been prepared for the meeting, but the council may add, delete, and/or re-order the agenda at the start of the meeting prior to adopting the agenda. When the council determines that a matter not on the agenda should be considered at the meeting in order to avoid delay, the matter may be added to the agenda. The presiding officer may switch the order of items on the agenda in order to accommodate schedules or other requests.

**4.06. DECORUM OF COUNCIL MEMBERS.** The following rules of decorum shall apply to all council meetings.

(a) All council members shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.

(b) No councilmember shall engage in conduct that delays or interrupts the proceedings or which hinders honest, respectful discussion and debate.

(c) All council members shall conduct themselves 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.

**4.07. PUBLIC PARTICIPATION.** Members of the public are generally not allowed to participate in council discussion and deliberation. Members of the public shall not engage in conversation or other behavior that may disrupt proceedings of the council. Members of the public shall refrain from applauding unless invited to do so by the presiding officer. The presiding officer may recognize a member of the public and allow the person to speak to an agenda item under terms established by the presiding officer. A member of the public who is permitted to speak may be asked questions by the council members. Speakers shall comply with the requirements of section 4.08(b).

**4.08. PUBLIC FORUM.**  A limited forum for members of the public to speak with the council will be provided on the agenda for regular meetings. Public comments during the public forum are subject to these limitations:

(a) Speakers may be requested to sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address.

(b) Speakers must be recognized by the presiding officer before speaking and may be limited to three minutes for comment. Speakers must direct their remarks toward the presiding officer. 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. 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.

(c) 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 another meeting.

(d) Council will generally not respond at the same meeting to an issue initially raised by a member of the public. The council may request that additional information be gathered and identify persons who will be asked to undertake that task.

**ARTICLE 5 COUNCIL ACTION**

**5.01. COUNCIL ACTION.** The city council shall take action on items in accordance with the provisions of Article 5.

**5.02. PROPER MEETING.** The council shall not take any official action as a council except at a properly called and noticed meeting of the council.

**5.03. DELIBERATION.** Each council member shall be permitted to participate in council deliberation of an item on the agenda. Deliberation may occur before and after a motion has been made. No council member shall speak until recognized by the presiding officer.

**5.04. MOTIONS.** A motionis a request by a council member for formal action by the city council. Motions shall be made and considered in accordance with the following provisions:

*(a) Making Motions.* Any citycouncil member including the presiding officer shall be entitled to make and second motions. All motions must be seconded before being discussed. Only one motion at a time shall be considered and debated by the city council.

*(b) Objections.* Any member of the council may object to a motion if the member believes the motion is not in order. A motion is in order if:

(i) it is germane to the item under consideration, and

(ii) made at a proper time in the proper format, and

(iii) does not violate any rule of law, and

(iv) is not made for the purpose of delaying the proceedings.

An objection must be made immediately following the motion before debate begins and at no other time. Before ruling, the presiding officer shall allow the objector and then the mover to explain their positions on why the motion is or is not in order. The presiding officer shall determine whether the motion is in order, subject to appeal of the ruling. If the presiding officer rules that the motion is out of order, the motion shall not be considered.

*(c)* *Debate on a Motion.* Only one motion may be considered at a time in debate. A council member must be recognized by the presiding officer before speaking to the motion. The presiding officer may limit the amount of time any one council member may speak to the motion.

*(d) Amendment of Motion.* Any council member may move to amend a motion at any time before a vote is taken. The amendment requires a second. If the amendment is acceptable to the mover and seconder of the original motion, the amendment shall be considered a friendly amendment and no vote of the council is required to replace the original motion with the amended motion.

*(e) Motion to Withdraw a Motion.* A motion to withdraw a motion can be made by the maker of the motion before it is seconded and the motion will be withdrawn. After a second is received, the seconder must agree to the withdrawal.

*(f) Motion to Limit Debate.* Any council member may move to limit debate on a motion under consideration. The motion must be seconded. The mover shall identify the length of time debate should occur. The motion itself is not subject to debate.

*(g) Motion to Table.* Any council member may move to table a motion at any time. The motion must be seconded. The motion is not subject to debate. The motion need not identify a length of time to table the motion but a date or time may be specified. A motion that has been tabled may be taken off the table by action of the council but the matter must be properly on the agenda in order to be taken off the table and acted upon.

(*h) Motion to Call the Question.* Any council member may move to call the question. The motion must be seconded. The motion is not subject to debate. If the motion passes, debate shall cease and the council shall vote on the motion before it.

**5.05. RESOLUTIONS.** The council shall determine those matters that are of such significance that action on the matter shall be taken by resolution rather than by motion. Such action may include approval of contracts, licenses, and permits, the adoption or amendment of city policies, rules, and ordinances, receipt of grants, donations, and other funds, and adoption of budgets. All resolutions shall be written and numbered in a manner consistent with the city’s record keeping practices. All resolutions shall be acted upon in accordance with the provisions of these procedures. In the case of land use resolutions, the resolution should contain the findings of fact leading to the proposed decision of the Council.

**5.06. VOTING.** All votes of the city council shall be conducted in accordance with the following:

(a) No action shall be taken by the city council except upon a majority vote of the council, unless state law requires more than a majority on a particular matter. If only three members of the council are present and constitute the quorum, a matter may pass on a vote of two to one, unless state law provides otherwise or unless the matter is the adoption or amendment of an ordinance, which shall require three votes regardless of the size of the quorum. If a matter shall end in a two to two tie vote, no action shall be taken but the matter may be placed on the agenda for a future agenda, unless state law provides otherwise. In the event a matter incurring a tie vote is placed on a future meeting agenda, any member may change his or her vote from one meeting to the next.

(b) Any council member or the clerk may ask the presiding officer to restate the motion that is being voted upon prior to the actual vote.

(c) The votes of the city council shall be taken by voice vote. Any member may call for a roll call vote on any motion or resolution. On a roll call vote, the clerk shall call on council members in random order so the same council member is not called upon first with every roll call vote.

(d) At the conclusion of every vote the presiding officer shall announce the results of the vote.

(e) Any member who abstains from voting because of a conflict of interest or other reason shall state on the record the reason for abstaining.

(f) A clear statement of the action voted upon and the votes of each member shall be stated in the Minutes of the meeting.

**5.07. RECONSIDERATION.** Any matter acted upon by the council may be reconsidered at a subsequent meeting or at any time until the deadline for an appeal has expired or as otherwise provided by state law. Only a council member who voted in the majority on the original action can make a motion for reconsideration. The matter must be on the agenda for the meeting and can be acted upon according to the provisions of these rules.

**ARTICLE 6 RECORDKEEPING**

**6.01. MINUTES.** The clerk shall prepare and maintain Minutes of each council meeting. Minutes of workshops shall not be required. The Minutes of each meeting shall be posted on the city webpage after approval by the council.

**6.02. CONTENT OF MINUTES.** The Minutes shall contain at a minimum the following:

 (a) The city council members who are present at the meeting.

 (b) The type of meeting (regular, special, continued, emergency).

 (c) Date and place the meeting was held.

 (d) Time the meeting was called to order.

(e) Approval of Minutes approved at the meeting.

 (f) A description of all action of the council, including the name of the member making any motion and the member seconding the motion and the vote of each council member on the motion.

 (g) Ordinances, contracts, and other documents approved by the council shall not be included in the Minutes but shall be maintained on file in the city hall by the clerk. Resolutions shall be included in the Minutes, although the documents that are the subject of the resolution shall not be included.

 (h) The Minutes shall not constitute a transcript of the proceedings and shall not contain lengthy descriptions of council discussion of agenda items.

**6.03. CODE BOOK.**  The Clerk shall maintain a Code Book containing the city ordinances that are in effect.

**6.04. RECORDING OF MEETINGS.** The clerk shall maintain a video or audio recording of each city council meeting for which such a recording is available.

**6.05. WEBPAGE.** The city clerk shall post on the city webpage such information as the clerk deems appropriate or as is required by chapter 104 or the city council. The city clerk shall maintain an up-to-date code book on the city webpage.

**6.06. DATA RETENTION.** The council hereby adopts the Minnesota City General Records Retention Schedule (revised 2008) on file with the Minnesota Historical Society, State Archives Department. The city shall not destroy or discard any information required to be maintained by law except in conformance with this Schedule.

**ARTICLE 7 ORDINANCES**

**7.01. PROPOSED ORDINANCE.** Any council member may bring to the attention of the council a proposed ordinance or a proposed amendment to an existing ordinance if the matter is properly on the agenda. The proposed ordinance or amendment shall be presented to the council in writing.

**7.02. PROCEDURE FOR ADOPTION.** No new ordinance or amendment to an existing ordinance shall be adopted except in accordance with the following procedures:

*(a) Proposal.* The council shall first pass a motion to propose the adoption of a new ordinance or ordinance amendment. The language of the ordinance or ordinance amendment shall be in writing at the time of the action. No ordinance or amendment may be passed by the council at the meeting at which it is introduced.

*(b) Notice.*  The council shall give notice of the proposed adoption of the ordinance or amendment in the same manner as notice of a regular meeting is given. The notice shall include a summary of the ordinance language and indicate where a complete copy of the proposed ordinance may be reviewed. The notice shall inform the public that they will be permitted to submit oral comments at the public hearing and advise the public of how and when it may submit written comments on the proposed ordinance.

 *(c) Public Hearing.* The council shall hold a public hearing as part of a council meeting on the proposed ordinance or amendment. The hearing shall be held in accordance with the requirements of Article 8.

 *(d) Adoption.* The city council may take action on the ordinance or amendment any time after completion of the public hearing.

 *(e) Majority Decision.* No ordinance or ordinance amendment shall be adopted by the council except upon the vote of a majority of the council members, regardless of how many constitute a quorum at the meeting at which the matter is decided.

**7.03. Publication.** After adoption of a new ordinance or ordinance amendment, the city shall publish notice of the adoption and the ordinance itself in the official newspaper of the city. The city may elect to publish a summary of the ordinance if the ordinance is lengthy provided four council members vote to do so and approve the summary.

**7.04. EFFECTIVE DATE.** Unless the city council provides differently in the adoption of the ordinance or amendment, the new language shall be effective after publication in the official newspaper. The clerk shall record the new ordinance in the code book within twenty days after publication.

**7.05. CODE BOOK.** Upon completion of the procedures to adopt an ordinance or an amendment, the clerk shall record the new ordinance in the code book.

**ARTICLE 8 PUBLIC HEARINGS**

**8.01. HEARING REQUIRED.** A public hearing shall be held whenever required by city ordinance, state law, or order of the city council.

**8.02. PUBLIC NOTICE.** Whenever a public hearing will be held, the city shall give notice of the hearing in the same manner as for the council meeting at which the hearing will be held. The city shall give such other notice as may be required by city ordinance or state law. The matter that is the subject of the hearing shall be included on the agenda for the meeting.

**8.03. CONDUCT OF HEARINGS.**  Each public hearing shall be conducted in accordance with the following:

 (a) The presiding officer shall open the hearing and announce the purpose of the public hearing.

 (b) The presiding officer may call upon staff or other council members to make any opening statements if appropriate.

 (c) The presiding officer shall recognize members of the public who would like to address the council and enter comments into the record. Persons making oral statements may be asked questions by members of the council. The presiding officer may ask commenters to limit the amount of time they speak or to select a spokesperson to represent a group of people if time becomes an issue.

 (d) The presiding officer shall accept written comments into the record.

 (e) The presiding officer shall identify any written comments that were received from persons not wishing to speak at the hearing and enter those into the record. The presiding officer may elect to have the written comments read into the record if appropriate. The presiding officer may refuse to accept unsigned, anonymous written comments.

 (f) After every person who wishes to speak has had an opportunity to do so, the presiding officer shall close the public meeting.

 (g) The presiding officer shall announce whether a period of time for the public to submit written comments will be established. If a comment period is established, the council shall not take final action on the matter that is the subject of the hearing until after close of the comment period.

**8.04. CONTINUATION OF HEARING.** The presiding officer may elect to continue a public hearing if necessary to accommodate all members of the public who wish to speak.

**8.05. COUNCIL ACTION.** Any time after completion of the public hearing, including the day of the hearing, or any time after the close of a public comment period if one is established, the council may take action on the matter.

**ARTICLE 9 COMMITTEES AND POLICIES**

**9.01. COMMITTEES.** The city council may establish a committee to assist the council in carrying out its duties. Whenever the council creates a committee, it shall give the committee a name, establish its purpose, determine the number of members and their terms, and determine whether any compensation will be provided to members who serve on the committee. The council shall also determine whether the committee shall expire on a date certain or continue until further action of the council. The council’s action in creating a committee shall be reduced to writing and may be placed on the city webpage by the clerk.

**9.02. POLICIES.** The council may adopt policies regulating matters within the jurisdiction of the council. All policies shall be in writing. The council may adopt a new policy or amend an existing policy at any time, provided the matter is properly on a council meeting agenda. The clerk shall maintain a handbook containing all policies adopted by the council and place all policies adopted by the council on the city webpage.

\*\***ADOPTED March 8, 2011\*\***

\*\***AMENDED by Resolution 2019-04, January 8, 2019\*\***