

ORDINANCE NO. 4010

AN ORDINANCE AMENDING SECTION 1-208 OF THE CODE OF THE CITY OF WELLINGTON, KANSAS, AS IT PERTAINS TO RULES OF PROCEDURE FOR THE CONDUCT OF BUSINESS BY THE GOVERNING BODY OF THE CITY OF WELLINGTON, KANSAS, AND REPEALING ORDINANCE NO. 3527

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WELLINGTON, KANSAS:

SECTION I

That Section 1-208 of the Code of the City of Wellington, Kansas, should be amended to read as follows:

“RULES OF PROCEDURE INCORPORATED. There is hereby incorporated by reference for the purpose of conducting the business of the governing body of the City of Wellington, Kansas, certain rules known as ‘Rules of Procedure for the Conduct of the Business by the Governing Body of the City of Wellington, Kansas,’ Edition of February 5, 2008, promulgated and published by the City of Wellington, Kansas, in a written format, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of the ‘Rules of Procedure’ shall be marked or stamped ‘Official Copy of the Rules of Procedure for the Conduct of Business by the Governing Body of the City of Wellington, Kansas, Edition of February 5, 2008’ and filed with the city clerk to be open to inspection and available to the public during business hours.”

SECTION II

Ordinance No. 3527 is hereby repealed.

SECTION III

That this ordinance shall take effect and be in force from and after its passage and approval and after its publication in the official city newspaper, as approved by law.

PASSED and APPROVED by the governing body this 5th day of February, 2008.

APPROVED by the Mayor

Roger Stallbaumer
2/14/08

Roger Stallbaumer, Mayor

(SEAL)

ATTEST:

Rose Miller
Rose Miller, City Clerk

FORM APPROVED:

Michael C. Brown
Michael C. Brown, City Attorney

RULES OF PROCEDURE
FOR THE CONDUCT OF BUSINESS
BY
THE GOVERNING BODY OF
THE CITY OF WELLINGTON, KANSAS
Edition of February 5, 2008

Promulgated and Published
By
The City of Wellington, Kansas

RULES OF PROCEDURE

I. Meetings.

A. Regular Meetings.

Regular meetings of the City Council of the City of Wellington, Kansas, shall be held at such times as are fixed by ordinance duly passed and published as provided by law.

B. Special Meetings.

The council shall meet in special session at the call of the mayor or president of the council or upon the written request of three members of the council. Such call or written request shall specify the purpose of the special meeting and shall be read at the special meeting and entered at length in the minutes of such meeting. Notice of special meeting setting forth the time, place and purpose of the special meeting shall be given by the city clerk to each member of the council at least 24 hours in advance of the special meeting, provided, however, that such notice may be waived in writing by individual councilmen. Business transacted at such special meeting shall be limited to that stated in the notice.

C. Place of Meetings.

Regular meetings and special meetings of the council shall be held in the Council Chambers in the City Administration Center at 317 South Washington Avenue in Wellington. The Mayor may change the meeting if, in his opinion, the Council Chambers are not large enough to accommodate members of the public desiring to attend a meeting, or if necessary to otherwise assist the council in carrying out its duties and functions. No meeting of the council shall be held outside the corporate limits of the city. A notice of a change of meeting place shall be posted in a conspicuous place near or on the door of the regular meeting place.

D. Change of Time and Date of Regular Meeting.

The time and date of regular meetings may be changed only by unanimous consent of council members present.

E. Closed or Executive Meetings.

No closed or executive meetings of the council shall be held unless the requirements of the Kansas Open Meetings Law are met, and the subjects discussed at such meeting shall be limited to those set forth in K.S.A. 75-4319 which are as follows: (1) personnel matters of non-elected personnel, (2) consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship, (3) employer-employee relations and negotiations, (4) confidential data relating to financial affairs or trade secrets of second parties, (5) discussions prior to acquisition of real estate, and (6) matters relating to the security of a public body or agency, public building or facility, or information system of a public body or agency. No information concerning a closed or executive meeting or session or any matters there discussed shall be made public.

F. Study Sessions.

Study sessions may be held by the Council for the purpose of discussing major items of business at such time as the Council may designate. Even though such study sessions are open to the public, they are primarily working sessions for council discussion. That members of the public may address the council, but only upon invitation to do so. The Mayor, with the unanimous consent of the Councilmembers present may fix a reasonable limitation on the time persons may address the Council at such sessions.

II. Public Notice of Meetings.

A. Notice.

Public notice of meetings shall be given as required by the Kansas Open Meetings Law.

III. Quorum, Attendance, Call of Council.

A. Quorum.

A majority of five of the nine council members-elect shall constitute a quorum for the transaction of business at all meetings of council.

B. Attendance.

No member of the council may excuse herself or himself from a meeting

without first notifying the mayor or city manager.

C. Call of Council.

In the absence of a quorum and upon the advice of the city manager that there is business before the council that cannot be delayed, if any council member present agrees and finds that said business cannot wait, then upon the consensus of the members present, a call of the council may be requested. Any law enforcement officer of the city may be dispatched to bring before the council any such members who are absent in a number sufficient to constitute a quorum.

IV. Agenda For Meetings.

A. Regular Meeting Agenda.

The City Manager shall prepare the agenda of business for all regular council meetings.

Any person or a representative of any group desiring to place a matter on the agenda shall notify the City Manager of such desire by 5:00 o'clock P. M. on Thursday preceding the next regular meeting. Items of business not on the agenda may be considered by the Council and placed on the agenda by majority vote of the council members present.

B. Special Meeting Agenda.

Whenever the Council shall be called into a special meeting only matters stated in the call of the special meeting shall be considered and the agenda for such meeting shall be deemed to be contained in the call of the special meeting.

C. Distribution and Availability of Agenda and Materials.

Upon completion of the agenda the City Manager shall distribute copies of the agenda together with copies of reports, explanations, studies, etc. that relate to business coming to the Council to the Mayor and members of the Council in a timely manner so that the same may be reviewed prior to the meeting of the Council. The agenda of any meeting shall be made available prior to the meeting to any person who requests the same.

V. Conduct of Meetings.

A. Presiding Officer.

The Mayor shall be the presiding officer at all meetings and study sessions of the council

at which he is present. In the absence of the Mayor the President of the Council shall preside at such meetings. In the absence of both the Mayor and the President of the Council, the Acting President of the Council shall be determined by a majority vote of the quorum present at such meetings. The President of the Council or the Acting President of the Council shall not be deprived of any of his rights and privileges as a councilmember, and he may move, second, debate and vote on any matter before the Council. The Mayor shall have the power to cast the deciding vote.

B. Councilmembers, Others – Decorum.

1. Councilmembers. Before speaking every councilmember shall address the Presiding Officer and be recognized by name. Comments of councilmembers shall be limited to the question under debate and shall not impugn the motives of other councilmembers arguments or votes.

2. Others. Other persons at the meeting shall not speak unless recognized by the Presiding Officer and each person desiring to address the Council shall approach the podium, state his or her name and address for the record, state the subject, state whom he or she is representing if he or she represents an organization or other persons, and unless further time is granted upon motion, shall limit his or her remarks to five (5) minutes. All remarks shall be addressed to the Council as a whole and not to any member thereof. No questions shall be asked of a Councilmember or a member of the City staff without obtaining permission of the Presiding Officer. The Presiding Officer shall not permit any communication, oral or written, to be made or read where it does not bear directly on the agenda item then under discussion.

C. Order of Business

The agenda shall be arranged in the following order of business:

1. Call to order.
2. Pledge of Allegiance
3. Invocation.
4. Roll Call.
5. Audience participation.
6. Approval of minutes.
7. Approval of appropriations.

8. Correspondence.
9. Report of Mayor and Councilmembers.
10. Report of city officials.
11. Public hearings.
12. Ordinances.
13. Resolutions.
14. Study items.
15. Adjournment.

D. Disorderly Conduct at Meetings.

The Presiding Officer may call to order any person who is being disorderly by speaking or otherwise disrupting the meeting and such person shall not be permitted to remain at the meeting except upon special leave of the Presiding Officer. No person shall be removed from a public meeting except for an actual breach of peace committed at the meeting.

VI. Ordinances, Resolutions, and Motions.

A. Ordinances.

All ordinances of the City shall be considered at a public meeting of the Council, and the vote on their final passage shall be taken by "yeas" and "nays", which shall be entered on the journal by the city clerk, and no ordinance shall be valid unless a majority of all the members-elect vote in favor thereof. When the number of favorable votes is one less than required, the mayor shall have power to cast the deciding vote in favor of the ordinance. The mayor has the power, until or at the next regular meeting of the Council to sign or veto any ordinance passed by the Council except ordinances upon which the mayor casts the deciding vote and appropriation ordinances. Upon the veto of an ordinance the mayor must furnish a written statement setting forth his objection to the ordinance. A vetoed ordinance may be passed over the mayor's veto by a three-fourths (3/4ths) vote of the councilmembers elected. An ordinance that is neither signed nor vetoed by the mayor as aforesaid shall take effect without the mayor's signature and such fact shall be endorsed on the ordinance at the end thereof.

B. Resolutions.

All resolutions shall be adopted or carried only if voted upon favorably by a majority of

the council members present, provided, however, that where the voting is tied, the Mayor shall have the power to cast the deciding vote in favor of the resolution.

C. Motions.

A motion is a formal statement by a Councilmember of a proposal to be considered and acted upon by the Council. No motion shall be considered or debated until the same have been seconded. No motion, except motions to receive and file, shall be deemed passed unless a majority of the council members present shall vote in favor thereof, provided, however, that where the voting is tied, the Mayor shall have the power to cast the deciding vote in favor of the motion. Motions to receive and file shall be passed if voted upon favorably by a majority of the quorum of the Council. A motion having been seconded may not be withdrawn by the maker without the consent of the second.

D. Abstention.

Any Councilmember who abstains from voting on any issue before the Council shall be deemed to have voted with the prevailing side on such issue, provided, however, that such abstention shall not be used as a vote to pass an issue that would have otherwise failed to pass. Any council member who abstains must first announce the reasons for said abstention prior to any discussion of the issue before the council.

E. Order of Motions.

Whenever a question is under debate no motion shall be received except a motion to:

1. Adjourn
2. Recess
3. Vote immediately
4. Table
5. Postpone to a time certain
6. Refer to study session, staff or committee
7. Postpone indefinitely
8. Amend, if applied to a debatable motion

The foregoing motions shall take precedence in the order in which they are stated above. All of the above motions are debatable except the motion to vote immediately and the motion to amend if applied to an undebatable motion. The following special motions shall be permitted at any time and shall be voted on in the order made and prior to ordinary motions:

1. to suspend specific rules
2. to take up an agenda item out of order
3. to reconsider a vote

A motion to reconsider a vote may be made only by a councilmember who voted on the prevailing side. A motion to change the order of the agenda is debatable only as to the agenda position to which the item is to be changed. A motion to reconsider a vote is debatable only as to the reopening of the issue.

VII. Public Hearings.

A. Rules of Procedure.

All public hearings, whether or not required by statute, shall be held in accordance with these Rules of Procedure and shall be scheduled to begin at a time certain which shall be the hour the Council convenes. The order of the hearing shall be as follows unless otherwise required by statute:

1. Presentation of proponent
2. Presentation of opponent
3. Council questions

B. Limitation of time to address Council.

The Mayor, with the unanimous consent of the Councilmembers present may fix a reasonable limitation on the time persons may address the Council at such hearing, taking into consideration that such hearing shall afford a full presentation of the facts necessary for a judicious consideration by the Council of the subject of the hearing. Evidence in oral or written form shall be accepted at such hearing if such evidence is relevant or material to the subject matter of the hearing.

C. Continuance of Hearing.

If it appears necessary or appropriate to continue a public hearing such continuance shall be made to a time certain, and the reason for the continuance shall be stated and made a part of the record of the hearing. After all interest persons have presented all the evidence they wish to present, the Mayor shall declare the public hearing closed, and no evidence shall thereafter be received by the Council, provided, however, that for good cause shown, a public hearing may be reopened, but only after due and proper notice of such reopening has been given to all interested parties.

D. Decision.

The Council, after the close of the public hearing, shall consider the evidence presented and make findings called for in the matter based only on evidence presented at the public hearing and render a decision thereon.

VIII. Record of Meetings.

A. Minutes.

The City Clerk shall be responsible for maintaining the official record and minutes of each meeting and study session of the Council. The minutes shall include the date, time and place of the meeting or session, the Councilmembers recorded as present or absent, all actions of the Council with respect to motions with the name of the mover and the seconder and the vote of the Council thereon. The record shall also state whether the vote was by voice or by roll call, and when by roll call, the record shall show the "yes", "no" or abstention of each Councilmember.

IX. Failure to Observe Procedure.

A. Failure to Observe.

These Rules of Procedure are adopted to expedite the transaction of business at meetings or sessions of the Council and are deemed to be procedural only. The failure to strictly observe any such Rules of Procedure except, those required by statute or ordinance, shall not affect the jurisdiction of the Council or invalidate any action taken at a lawfully held meeting of the Council.