

COUNCIL RULES OF PROCEDURE

CITY OF BLOOMINGTON  
HENNEPIN COUNTY  
MINNESOTA

Revised: July 18, 2005; December 21, 2009; July 12, 2010; January 2, 2020; December 21,  
2020; April 5, 2021

## PREAMBLE<sup>a</sup>

The purpose of these Rules of Procedure (“Rules”) is to provide guidelines for the orderly and efficient conduct of the public business by, among, and on behalf of the City Council of the City of Bloomington. The Council believes there is a benefit to adopting a set of common sense guidelines and incorporating *Robert’s Rules of Order* by reference for those unique or complex situations that can arise. By stating clear rules, the public is better able to prepare, to understand Council actions, and to participate in a Council meeting.

Although the majority will decide, the minority has rights that are also respected. Council members desire information from staff and the public in order to make their decisions. Courtesy and respect are necessary for an orderly and efficient discussion where all members have equal rights to be heard. Making the public feel welcome is an important part of the democratic process. A sample handout for the public on Council meeting procedures and guidelines is provided in Appendix A. This Appendix may be amended by the City Manager as needed to clarify these Rules or related matters without the Council’s formal approval.

### SECTION 1. Meetings of the Council.<sup>b</sup>

(a) **Time.** The Council holds its regular meetings on Mondays of each month at 6:00 P.M.

(b) **Place.** Unless another place is designated in advance by the Council, all regular meetings of the Council for the purpose of taking official action must be held in the Council Chambers at Civic Plaza and electronically, and must be open to the public and to the media, except as otherwise permitted or required by law.

(c) **Schedule.** The Council must adopt a schedule of its regular meetings by resolution.

(d) **Adjournment.** Each regular meeting must adjourn at or before 11:00 p.m. unless a vote to extend the meeting is adopted by a majority of those members of the Council present at that meeting.

(e) **Public Notice and Attendance.** The City Clerk must maintain a schedule of regular meetings of the Council that must be available for public inspection during regular business hours. All meetings of the Council must be open to the public in accordance with the Open Meeting Law, Minnesota Statutes Chapter 13D.

(f) **Special Meetings.** The City Manager, the Mayor, or any three members of the Council may call a special meeting of the Council upon notice to each member of the Council and notice must be posted at Civic Plaza in accordance with the Open Meeting Law, Minnesota Statutes Chapter 13D. Such notice must be delivered to each Council member and may be delivered electronically.

(g) **Meetings with the City Manager.** Members of the Council may individually meet informally with the City Manager.

(h) **Council Voting.** The aye and no vote of each member of the Council on ordinances, resolutions, and motions must be recorded in the minutes unless the vote is

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<sup>a</sup> Preamble established by resolution adopted April 5, 2021.

<sup>b</sup> Section 1 amended by resolution adopted January 12, 1981; by resolution adopted July 6, 1981; by resolution adopted December 21, 2009; by resolution adopted December 21, 2020; by resolution adopted April 5, 2021.

unanimous.

(i) **Tie Vote.** When there is a tie vote on a motion, the motion is lost.

(j) **Emergency Meetings.** The City Manager, the Mayor, or any three members of the Council may call an emergency meeting of the Council upon reasonable notice to each member of the Council and notice must be disseminated in accordance with the Open Meeting Law, Minnesota Statutes Chapter 13D. Such notice must be delivered to each Council member and may be delivered electronically.

## **SECTION 2. First Meeting of the Year.<sup>c</sup>**

The City Council must hold an organization meeting on the first business day of January following a regular municipal election at the usual time and place(s) of holding Council meetings. In all other years, the City Council must hold an organization meeting not later than the second Monday of January. The organization meeting must be held to:

- (a) Appoint the Council Secretary.
- (b) Designate the official depository of City funds.
- (c) Designate the official newspaper of the City.
- (d) Designate the mayor pro tem, who must serve in the absence of the Mayor.
- (e) And such other organizational business as deemed necessary.

## **SECTION 3. Agendas.<sup>d</sup>**

All reports, communications, ordinances, resolutions, documents, or other matters submitted to the Council must be filed before 4:00 p.m. on the Wednesday prior to the Monday Council meeting at which consideration is desired, and must be delivered to the City Manager, or in the Manager's absence must be filed with the acting City Manager for inclusion in the proper order of business on the agenda. Provided, however, in unusual circumstances and when the matter does not require investigation by the City Manager or some department head, matters may be accepted after completion of the agenda upon approval of the City Manager. Any two members of the Council or the Mayor may request that the City Manager include a matter on the agenda.

Each agenda must state the location(s) of the Council meeting and explain the process to take action on matters on the consent agenda.

No item of business will be considered by the Council which does not appear on the agenda for the meeting, except that an exigent item that requires immediate action and is so stated as such may be considered by the Council regardless of whether there is a full membership present.

The Mayor, each Council member, the City Manager, the City Clerk, and the City Attorney must be sent a copy of the agenda by the afternoon of the Friday prior to the Monday Council meeting, three days prior to a special Council meeting, or as soon as reasonably possible for an emergency Council meeting.

## **SECTION 4. Administrative Officials.<sup>e</sup>**

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<sup>c</sup> Section 2 amended by resolution adopted December 30, 1968; by resolution adopted April 5, 2021.

<sup>d</sup> Section 3 amended by resolution adopted January 12, 1970; by resolution adopted April 5, 2021.

<sup>e</sup> Section 4 amended by resolution adopted April 5, 2021.

No matter may be submitted for Council action by an administrative official, department head, or employee unless it has first been presented to the City Manager for investigation or study for inclusion on the Council agenda.

**SECTION 5. The Presiding Officer and Duties.<sup>f</sup>**

The Presiding Officer of the Council is the Mayor. The Mayor must assume the chair of the Presiding Officer at the first meeting of the Mayor's term of office. The Mayor must preserve strict order and decorum at all regular, special, and emergency meetings of the Council. As Presiding Officer, the Mayor must use the most current edition of *Robert's Rules of Order* for guidance, interpretation, or to supplement these Rules. The Mayor must state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council must govern and conclusively determine such question of order. The Mayor may vote on all questions, being the last name called. The Mayor must sign all ordinances and resolutions and contracts adopted by the Council. In the event of the absence of the Mayor, the mayor pro tem may sign ordinances, resolutions, or contracts as needed.

**SECTION 6. Call to Order – Presiding Officer.<sup>g</sup>**

The Mayor, or in the Mayor's absence, the mayor pro tem, must take the chair precisely at the hour appointed for the meeting, and must immediately call the Council to order. In the absence of the Mayor, or the mayor pro tem, the Council Secretary must call the Council to order, whereupon a temporary Presiding Officer must be elected by the members of the Council present. Upon the arrival of the Mayor or mayor pro tem, the temporary Presiding Officer must immediately relinquish the chair upon the conclusion of the business immediately before the Council.

**SECTION 7. Roll Call.<sup>h</sup>**

Before proceeding with the business of the Council, the Council Secretary must visually check the roll of the members and the names of those present and absent must be entered in the minutes.

**SECTION 8. Quorum.<sup>i</sup>**

A majority of all members elected constitutes a quorum to do business at any regular, special, or emergency meeting of the Council, but a smaller number may adjourn from time to time.

**SECTION 9. Order of Business.<sup>j</sup>**

All meetings of the Council must be open to the public and the media in accordance with the Open Meeting Law, Minnesota Statutes Chapter 13D. Promptly at the hour set on

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<sup>f</sup> Section 5 amended by resolution adopted December 21, 2009; by resolution adopted April 5, 2021.

<sup>g</sup> Section 6 amended by resolution adopted April 5, 2021.

<sup>h</sup> Section 7 amended by resolution adopted April 5, 2021.

<sup>i</sup> Section 8 amended by resolution adopted December 21, 2009; amended by resolution adopted April 5, 2021.

<sup>j</sup> Section 9 amended by resolution adopted January 2, 1974; by resolution adopted December 21, 2009; by resolution adopted January 2, 2020; by resolution adopted December 21, 2020; by resolution adopted April 5, 2021.

the day of each regular meeting, the members of the Council, the City Manager, the City Attorney, and the Council Secretary, must take their regular stations in the Council Chambers or as otherwise allowed by State Law or these Rules, and the business of the Council must be taken up for consideration and disposition in the following order:

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PUBLIC COMMENT PERIOD
5. INTRODUCTORY
6. CONSENT BUSINESS
7. HEARINGS, RESOLUTIONS, AND ORDINANCES
8. ORGANIZATIONAL BUSINESS
9. ADJOURNMENT

**SECTION 10. Hearing Procedure.<sup>k</sup>**

(a) **Parliamentary procedure.** These Rules govern hearing procedures. When these Rules are silent, parliamentary procedure is governed by the most current version of *Robert's Rules of Order*.

(b) **Hearing Procedure.**

1. The Presiding Officer must state the matter to be heard.
2. The Presiding Officer may call upon the staff representative to present the staff report. At the conclusion of the report, Council members may ask questions of the staff representative through the Presiding Officer.
3. The Presiding Officer may thereafter call upon the applicant, licensee or other interested parties to address the Council on the matter under consideration.
4. All persons addressing the Council, including City staff, must address the Presiding Officer only, not other Council members, staff, or the public.
5. There must be no dialogue amongst Council members, staff, or the public during the hearing except as permitted by the Presiding Officer. Council members may ask questions of persons addressing the Council in order to clarify a fact, but any statement by a Council member for anything other than to pose a question on the matter under consideration may be ruled out of order by the Presiding Officer.
6. After all new facts and information have been brought forth to the Council, the hearing may be closed upon a majority vote of the Council.
7. If the hearing is closed the Presiding Officer may recall anyone who testified during the hearing in order to clarify points raised subsequent to the closure of the hearing. At the discretion of the Presiding Officer, if the testimony received after the closure of the hearing brings forth new facts or information of a substantive nature, the hearing may be reopened so that all interested parties may be heard again, but only to respond to the new facts or information.
8. Upon the completion of the hearing the Council members may debate the matter under consideration.

**SECTION 11. Minutes.<sup>l</sup>**

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<sup>k</sup> Section 10 amended by resolution adopted December 21, 2009; by resolution adopted April 5, 2021.

<sup>l</sup> Section 11 amended by resolution adopted April 5, 2021.

- (a) The Council Secretary must keep the record of all Council meetings.
- (b) Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Council Secretary has previously furnished each member with a copy thereof.

**SECTION 12. Rules of Debate.<sup>m</sup>**

(a) **Participation of the Presiding Officer.** The Mayor or such other member of the Council as may be presiding may move, second, and debate from the chair, subject only to such limitations of debate as are by these Rules imposed on all members and must not be deprived of any of the rights and privileges of a Council member by reason of the Council member acting as the Presiding Officer.

(b) **Getting the Floor – Improper References to be Avoided.** Every member desiring to speak must address the Presiding Officer, and upon recognition by the Presiding Officer, must confine comments to the question under debate, avoiding all improper and indecorous language.

(c) **Interruptions.** A member, once recognized, must not be interrupted when speaking unless it is to call the member to order, to vote on a motion, to close a debate, or as herein otherwise provided. If a member, while speaking, is called to order, the member must cease speaking until the question of order is determined and if in order, the member must be permitted to proceed.

(d) **Privilege of Closing Debate.** The Council member moving the adoption of an ordinance or resolution has the privilege of closing the debate.

(e) **Remarks of Council member – When Entered in Minutes.** A Council member may request, through the Presiding Officer, the privilege of having an abstract of the member's statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement must be entered in the minutes.

(f) **Synopsis of Debate – When Entered in Minutes.** The Council Secretary may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

**SECTION 13. Addressing the Council.<sup>n</sup>**

Any person desiring to address the Council must first secure the permission of the Presiding Officer.

(a) **Written Communications.** Interested parties or their authorized representatives may address the Council by written communications regarding matters then under discussion.

(b) **Oral Communications.** Members of the public, or their authorized legal representatives, may address the Council by oral communications on any matter concerning the City's business, or any matter over which the Council has control; provided, however, that preference must be given to those persons who may have notified the City Manager, or the acting City Manager or other designee of the City Manager, in advance of their desire to speak in order that they may appear on the agenda. The Presiding Officer may limit remarks to set amount of time per speaker so long as the time limit is uniformly enforced.

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<sup>m</sup> Section 12 amended by resolution adopted December 21, 2009; by resolution adopted April 5, 2021.

<sup>n</sup> Section 13 established by resolution adopted July 12, 1993; amended by resolution adopted December 21, 2009; by resolution adopted April 5, 2021.

(c) **Public Comment Period.** Notwithstanding any provisions of these Rules to the contrary, a public comment period is hereby established for the purpose of providing members of the public with an opportunity to address the City Council on any subject pertaining to City business not on the agenda or on the consent section of that meeting's agenda. The public comment period must last for up to 20 minutes at each regular City Council meeting; provided, however, that the City Council, by a simple majority of those members of Council present, may vote to extend the length of the public comment period for any meeting. Individuals must limit their remarks to five minutes per speaker unless granted additional time by the City Council. Any person wishing to address the City Council during the public comment period may notify the City Manager's office in advance of the meeting. Preference must be given to those persons who may have notified the City Manager or the acting City Manager or other designee of the City Manager, in advance of their desire to speak in order that they may appear on the agenda. Each person addressing the Council must use the microphone in front of the dais if appearing in person or otherwise indicate the desire to speak as required if appearing electronically, then must state one's name in an audible tone of voice for the records, and sign the speaker's register if appearing in person. The Council may ask the speaker if the speaker resides in Bloomington.

(d) **Reading of Protests, Petitions, or Communications.** Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to zoning, special or general assessment proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration. The Presiding Officer may limit remarks to five minutes per speaker so long as the time limit is uniformly enforced. Any person wishing to address the City Council may notify the City Manager's office in advance of the meeting.

#### **SECTION 14. Handling a Motion.<sup>o</sup>**

(a) **Main Motion.** A Council member may ask for recognition and be recognized by the Presiding Officer. A brief preliminary statement in favor of the motion may be made before the motion is stated. All motions must contain only one subject. All motions require a second. The Council member seconding the motion may speak for or against the motion. Once seconded, the Presiding Officer must state the motion and thereafter no other topics may be taken up until after the motion is disposed of. The motion under consideration may now be debated pursuant to Section 12 of these Rules.

(b) **Motion to Amend.** Any Council member may make a motion to amend in order to change, add or omit some part of a main motion. This motion is debatable and requires a majority vote of the Council members present for passage. A motion to amend is not amendable. First, a vote must be held on the motion to amend. If that vote is affirmative, the second vote is held on the main motion as amended. Only one amendment to a motion should be on the floor at any one time.

(c) **Motion to Postpone to a Time Certain.** Any Council member may make a motion to require that consideration of the main motion be delayed until a certain, stated time for, among other reasons, obtaining more information. A future date certain must be set when the subject is considered. This motion is debatable and requires a majority vote of the Council members present for passage.

(d) **Motion to Table Indefinitely.** Any Council member may make a motion to postpone consideration of the main motion so that the issue under consideration will be taken

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<sup>o</sup> Section 14 established by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

up at an unspecified, later date when it is placed on the agenda and a majority of the Council members present vote to call it from the table. This motion is not debatable and requires a majority of the Council members present for passage.

**(e) Motion to Call the Question.** Any Council member, upon recognition of the Presiding Officer, may make a motion to end discussion. When seconded, the Presiding Officer must immediately call the vote on the question of closing the discussion. This motion is not debatable and requires a majority of the Council members present for passage.

**(f) Motion to Reconsider.** Any Council member who voted on the prevailing side of the issue may make a motion that Council reconsider its vote on a matter considered during the same meeting that the original vote was taken or the next regularly scheduled meeting of the Council. The motion is in order at any time before final adjournment of that meeting or the next regularly scheduled meeting of the Council. In order to be reconsidered at the next regularly scheduled meeting of the Council, a Council member on the prevailing side must request that the City Manager place it on the Council agenda for reconsideration no later than the Thursday prior to the next regularly scheduled meeting of the Council. Only one Council member on the prevailing side is required to make such a request to the City Manager. A member on the prevailing side voted ‘yes’ on a matter that passed, or ‘no’ on a matter that did not pass. If a tie vote, then those voting against the matter are the prevailing side. Upon recognition of the Presiding Officer, a member of the prevailing side, may make a motion to reconsider a vote; any other member may second that motion. The Presiding Officer then restates the motion to reconsider. This motion is debatable and requires a majority of the Council members present for passage. Once debate concludes, then Council members vote on the motion to reconsider. If a motion to reconsider passes, then the prior original action by the Council is rescinded, and the matter is returned to the status that it had immediately before the prior original vote was taken. The motion originally voted upon will once again be pending.

**(g) Motion to Rescind or Amend Something Previously Adopted.** A motion to rescind or amend is appropriate when the time for reconsideration has ended. A motion is not in order if rescission or amending of an action is forbidden by law. If a motion to rescind or amend fails, no motion to rescind or amend the same action is in order until 12 months have elapsed. Any Council member may make either of these motions regardless of how that member voted on the original motion. If advanced notice was not given of a Council member’s intent to make one of these motions, then a two-thirds vote of the Council members present at the meeting, or a majority of all members of the Council, is required to adopt the motion. If advanced notice was given of a Council member’s intent to make one of these motions, then a majority of those present is required to adopt the motion. Advance notice is provided by announcing one’s intent at the immediately preceding Council meeting or by placing the item on the Council agenda in advance of the Council meeting.

**(h) Point of Order.** When a Council member believes that these Rules are being violated that member may, upon recognition of the Presiding Officer, interrupt business by calling out “Point of Order”. The Presiding Officer will then request the Council member to speak and decide whether the Point of Order is valid. In the discretion of the Presiding Officer, the Presiding Officer can place the matter to a majority vote of the Council. Point of Order must be raised when the alleged violation occurs; after debate it is untimely.

## **SECTION 15. Addressing the Council after Hearing Closed.<sup>P</sup>**

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<sup>P</sup> Section 15 was amended by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

No person may address the Council after the Council has voted to close the public hearing, unless recalled by the Presiding Officer. After a motion is made by the Council, no person may address the Council without first securing the permission of the Presiding Officer to do so or where the motion itself addresses the procedures by which the public hearing may be continued.

**SECTION 16. Manner of Addressing Council – Time Limit.<sup>q</sup>**

Each person addressing the Council must use the microphone in front of the dais or otherwise follow the required directions when appearing electronically, must state one’s name in an audible tone of voice for the record, sign the speaker’s register in appearing in person, and unless further time is granted by the Presiding Officer, must address the Council no more than five minutes unless a longer period of time is permitted by the Presiding Officer or by vote of the Council and is uniformly enforced. All remarks must be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. The Council may ask the speaker if the speaker resides in Bloomington.

**SECTION 17. Silence Constitutes Affirmative Vote.<sup>r</sup>**

Unless a member of the Council states that the member is not voting, the member’s silence must be recorded as an affirmative vote.

**SECTION 18. Decorum.<sup>s</sup>**

**(a) By Council members.** While the Council is in session, Council members must preserve order and decorum, and a member must neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Council member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

Council members must be respectful of diverse opinions. Personal attacks will not be tolerated. Members must honor the role of the Presiding Officer to focus discussion on current agenda items. Objections to the Presiding Officer or other members’ actions should be voiced politely and with reason.

Care must be exercised to define and constrain discussions among members to the facts and relevant information.

The Mayor and Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. The Mayor and Council members are role models for residents, business people, and often stakeholders involved in public debate.

Members should support the majority opinion of the Council once a vote has been taken.

**(b) By Staff and Members of the Public.** No one may address the City Council unless recognized by the Presiding Officer. When addressing the Council on matters not on the agenda or on the consent agenda, the Rules set forth at Section 13(c) apply. Oral communications at City Council meetings concerning matters that are otherwise on the

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<sup>q</sup> Section 16 was amended by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

<sup>r</sup> Section 17 has not been amended since establishment; amended by resolution April 5, 2021.

<sup>s</sup> Section 18 was amended by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

agenda are governed by Section 16 of these Rules. Staff and members of the public attending meetings of the City Council must refrain from any unnecessary conversation or distracting activity. Members of the public attending a council meeting must observe the same rules of order and decorum applicable to the Council. City staff may exceed the five minute limit when required to provide the requested or other information.

#### **SECTION 19. Code of Conduct.<sup>†</sup>**

The Mayor and Council members are dedicated to govern efficiently and effectively with a commitment to the promotion of values and integrity of local government and democracy. The following principles govern the conduct of the Mayor and every City Council member:

1. The professional and personal conduct of members must be above reproach and avoid the appearance of impropriety. Members should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, Boards, Commissions, staff or the public intended to disrupt or impede the orderly conduct of the City's business.

2. Members must comply with all applicable laws in the performance of their public duties, specifically including the Minnesota Government Data Practices Act and the Open Meeting Law, Minnesota Statutes Chapters 13 and 13D.

3. Members must perform their duties in accordance with these Rules established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions by the Council and City staff.

4. The Mayor and Council members must maintain the confidentiality of information concerning property, personnel, or legal affairs of the City. They must neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests. Such disclosure is a violation of these Rules.

5. Members will represent the official policies or positions of the Council to the best of their abilities. When presenting their individual opinions and positions, members must explicitly state they do not represent the position of the entire Council.

6. Each member must support the maintenance of a positive and constructive work place environment for City staff, private citizens, and businesses dealing with the City. Council members will recognize their roles, as delineated in the City Charter, City Code and State Statutes, in individual dealings with City staff.

7. No member may participate in a matter that affects the member's financial interests or those of a business with which the member is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession or occupation.

8. No member may use one's public position for personal gain or to secure special privileges or exemptions for the person or for others.

9. No member must, except as specifically permitted by Minnesota Statutes Section 471.895, accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form under circumstances in which it could be reasonably expected to influence the member in the performance of the member's official duties or intended as a reward for the member's official actions.

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<sup>†</sup> Section 19 was established by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

10. Public decision-making must be fair and impartial and must not be discriminatory on the basis of those protected classes outlined in federal, state, and city laws and ordinances. The Mayor and Council members must conduct business and operate in a manner that is free from illegal discrimination on the basis of race, color, creed, religion, national origin, sex, disability, age, marital status, sexual orientation, receiving public assistance and familial status, both internally and in the relationships by and among the elected officials, the City staff, and their constituencies.

## **SECTION 20. Censure Policy.<sup>u</sup>**

(a) **Purpose.** This policy is intended to provide the mechanism by which the City Council, acting as a whole, can discipline and punish any of its members who violate state or federal laws, City ordinances, the City Charter or the Council's Code of Conduct as set forth in Section 19 of these Rules.

(b) **Policy.** It is the policy of the City Council that all of its members must comply with federal and state law, City ordinances, the City Charter and the City Council's Code of Conduct as set forth in Section 19 of these Rules. Violation of such law or rule of procedure tends to injure the City and to undermine the effectiveness of the City Council as a whole. Such conduct is deemed to be a dereliction of duty.

Censure is a formal resolution of the City Council officially reprimanding one of its members. An official reprimand is a punitive action which serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of a member as an elected official. Censure is an appropriate measure when the violation of law or the Code of Conduct is deemed by the City Council to be a serious offense.

The City Council must not impose censure on any of its members for the violation of any law while criminal charges are pending. However, when the criminal proceedings are final, the City Council need not be bound by the conclusion of a court or jury and may hold a censure hearing.

### **(c) Procedure**

1. The Rules Committee is a standing committee of the Council consisting of three Council members each serving a two year term. A rotating schedule of two year terms must be prepared by the City Manager and approved by the Council. In the event the Rules Committee includes a Council member who is the subject of a requested censure or the Council member requesting censure, then the City Manager will advance the schedule forward to ensure there are three members serving as the Rules Committee.

2. A request for a censure hearing must be submitted to the Rules Committee in writing by a member of the Council. The request must contain the specific charges on which the proposed censure is based. A copy of the request for censure and the charges must be delivered to the Council member who is the subject of the requested censure at least three days prior to the Rules Committee meeting at which censure will be considered.

3. The Rules Committee must determine whether:
- Further investigation of the charges is required;
  - The matter is to be set for a public hearing; or
  - No action is required.

4. This determination is subject to confirmation by the City Council as part of the Rules Committee report at the next regular Council meeting.

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<sup>u</sup> Section 20 was established by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

5. Further investigation, if required, must be done by an *ad hoc* committee appointed by the Mayor. If the Mayor is the subject of the request, the committee must be formed by the mayor pro tem.

6. If the matter is set for public hearing, it must be scheduled far enough in advance to give the accused member adequate time to prepare a defense, not to exceed 30 days.

7. At the hearing, the Council member who is the subject of the requested censure must be given the opportunity to make an opening and closing statement and to question one's accusers from the podium. The Council member who is the subject of the requested censure may be represented and may have the representative speak or question on their behalf. Testimony must be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. The strict rules of evidence applicable to judicial proceedings do not apply to the hearing and the procedures may be generally informal.

8. A decision to censure requires adoption of a resolution making findings with regard to the specific charges, based on substantial evidence and approved by two-thirds of the Council members eligible to vote on the matter. The Council member who is the subject of the requested censure may not vote on the matter.

## **SECTION 21. Enforcement of Decorum.<sup>v</sup>**

(a) **Sergeant-at-Arms.** The Chief of Police, or such member or members of the Police Department as designated, must be the Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms carries out orders and instructions given by the Presiding Officer or by majority of the Council present for the purpose of maintaining order and decorum at the Council meetings. Upon instructions of the Presiding Officer, or majority of the Council, it is the duty of the Sergeant-at-Arms, or any members of the Police Department present, to place any person who violates the order and decorum of the meeting under arrest or restrained, and cause the individual to be prosecuted or civilly restrained, as appropriate.

(b) **Disruption.** The public will be allowed to appear and speak before the Council during the public comment period and public hearings as set forth in these Rules, unless the person disrupts or otherwise impedes the orderly conduct of any Council meeting, hearing, or other proceeding of the Council such as using threatening language, making personal defamatory statements, undertaking indecent or threatening behavior or violent actions. If, after receiving a warning from the Presiding Officer, the person persists in such conduct or otherwise disrupting the meeting, the Presiding Officer, pursuant to these Rules, may expel and direct the person to leave the meeting. Any Council member may appeal the order of the Presiding Officer and upon a majority vote of the Council members present such order of the Presiding Officer will be set aside. The vote is not debatable. Such person must be readmitted at a future Council meeting as long as there are not further disturbances or disruptions by such person at the future public meeting. Nothing herein limits or restrains negative, positive or neutral comment about the manner in which an individual employee, officer, official or Council member carries out the one's duties in public office or employment.

(c) **Banners and Signs.** Holding or placement of a banner or sign in the Council Chambers in a way that endangers others or obstructs the free flow of pedestrians or the view of others attending the meeting is a violation of these Rules. Signage or banners may be no

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<sup>v</sup> Section 21 amended by resolution April 5, 2021.

larger than 11 inches by 17 inches inclusive of any handles. The Presiding Officer will direct the Sargeat-at-Arms to remove and store any sign or banner in violation of these Rules until the owner of it leaves the Council meeting and requests it returned. These requirements will be uniformly enforced.

**(d) Recess or Adjourn.** All members of the Council must assist the Presiding Officer in preserving decorum and in providing for the efficient operation of the meeting. By a majority vote of those present, the Council may vote to recess or adjourn the meeting to preserve order and decorum or for public safety.

**SECTION 22. Special Committees.<sup>W</sup>**

All special Council committees must be appointed by the Council, except that the Rules Committee is appointed as set forth in Section 20 of these Rules.

**SECTION 23. Council members May File Protests Against Council Action.<sup>x</sup>**

Any Council member has the right to have the reasons for the member's dissent from, or protest against, any action of the Council entered in the minutes.

**SECTION 24. Ordinances, Resolutions, Motions and Contracts.<sup>y</sup>**

**(a) Preparation of Ordinances.** All ordinances must be reviewed by a licensed attorney in the City Attorney's Office. The preparation of an ordinances may be requested by any two members of the Council, at the request of the City Manager, or upon the City Attorney's own initiative.

**(b) Introducing for Passage or Approval.**

1. No ordinance may relate to more than one subject, which must be clearly expressed in its title, and no ordinance or section thereof may be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable, all ordinances must be introduced as amendments to existing ordinances or sections thereof.

2. At the time set for considering an ordinance, the Presiding Officer must refer it to the Council for a vote.

3. To the extent and in the manner provided by law, an ordinance may incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full. The City Council may by a two-thirds vote of all of its members direct publication of only the title and a summary of an ordinance.

4. The City Manager, at the meetings, may take part in the discussions of the City Council and may recommend to the Council such measures as the City Manager may deem necessary for the welfare of the people and the efficient administration of the affairs of the City. The City Manager has all the rights, powers and duties prescribed by City Charter and Minnesota Statutes in regard thereto; however, it is recognized that the City Council is the policy making body for the City and the City Manager's discussions at Council meetings must be confined to statements of fact, recommendations based on the City Manager's knowledge and experience, and explanations of the reasons for same, and any matters pertaining to administration.

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<sup>w</sup> Section 22 amended by resolution April 5, 2021.

<sup>x</sup> Section 23 amended by resolution April 5, 2021.

<sup>y</sup> Section 24 was amended by resolution adopted December 21, 2009; amended by resolution April 5, 2021.

5. The City Attorney may not take part in the discussions of the City Council at the meeting except to answer questions directed to the City Attorney, comment on matters involving legal posers or procedures of the City, and to present factual material to the Council.

6. No City employee, other than those above mentioned in subdivisions 4 and 5, may enter into discussions of the City Council at the meeting except to answer questions directed to such employee or to present factual information. This regulation of City employees must not be construed to limit their appearance before the City Council of any City employee when such appearance is made as a member of the public, for or against some particular issue under discussion by the Council.

## **SECTION 25. Presentations and Proclamations<sup>Z</sup>**

(a) **Issuing Mayoral proclamations outside of City Council meetings.** The City will issue Mayoral proclamations for individuals and organizations if they are affiliated with:

1. An organization with an official relationship to the City (e.g., Bloomington Athletic Association, Bloomington School District, Bloomington Sister City Organization);
2. A local, state or national organization that is hosting a convention in Bloomington;
3. A local, state or national government or non-profit organization that is recognizing a specific day, week or month, as long as the request is made by a Bloomington resident actively participating in that organization or by a City department or division; or
4. A company or organization that has been in business for at least 50 years in Bloomington.

(b) **Allowing presentations or the reading of proclamations at City Council meetings.** The City will allow presentations or the reading of proclamations at City Council meetings as set forth on the agenda so long as:

1. The City is a sponsor of the event for which the recognition or proclamation is requested (e.g., Public Works Week);
2. The organization has an official relationship to the City or is one in which City of Bloomington employees are participating (e.g., Disability Employment Awareness Month, Child Abuse Prevention Month, Arbor Day, National League of Cities);
3. The award or proclamation is directly related to the City's mission as a local governmental entity (e.g., Constitution Week, Respect for Law Week); or
4. The organization is a long-time recipient of proclamations at City Council meetings (e.g., VFW Buddy Poppy Program);
5. The request is made by a City department or division or a Bloomington resident actively participating in a local, state or national government or non-profit organization that is recognizing a specific day, week or month; or
6. The company or organization is being recognized for having been in business for at least 50 years in Bloomington.

(c) **Proclamations or presentations not allowed.** The following types of proclamations or presentations will not be allowed outside of or during City Council meetings:

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<sup>Z</sup> Section 25 was amended by resolution adopted July 12, 2010; amended by resolution April 5, 2021.

1. Any proclamation that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
2. Any proclamation that supports or opposes political campaigns or ballot measures;
3. Any proclamation that is used to support solicitations of commerce;
4. Presentations or proclamations requested by outside organizations or individuals in which the City has no official interest, sponsorship or relationship; or
5. Presentations or proclamations outside the purview of the City of Bloomington's governance.

**(d) City Manager's authority.** The City Manager has the authority to approve presentations and proclamations proposed for City Council meetings consistent with the following:

1. Speakers who disturb the orderly conduct of the meeting may forfeit their right to address the Council and be asked to leave the Council meeting.
2. Requests to make presentations and proclamations at City Council meetings must be submitted to the City Manager's Office.
3. All presentation materials, including videos and PowerPoint presentations provided by members of the public for presentation at Council meeting, must be presented to the City Manager's office at least two business days prior to the City Council meeting to ensure compatibility with the City's audiovisual equipment and technical quality of the presentation materials. This requirement does not apply to pieces of paper placed by the speaker at the speaker's podium for display when seeking to use the overhead camera in the Council Chambers.

**(e) Right to refuse.** The City of Bloomington reserves the right to refuse to allow presentations and proclamations that are in conflict with these Rules.

## **SECTION 26. Suspend the Rules.<sup>aa</sup>**

By unanimous consent of all Council members present at a meeting, provisions of these Rules may be suspended.

## **SECTION 27. Adjournment.<sup>bb</sup>**

A motion to adjourn is always in order, be decided without debate, and must be adopted by a majority of those members of the Council present at that meeting.

## **SECTION 28. Matters Not Specifically Covered.<sup>cc</sup>**

The most current edition of *Robert's Rules of Order* is accepted as an authority on parliamentary practice on matters not specifically covered in these Rules.

## **SECTION 29. Appointment of Persons to City Boards and Commissions.<sup>dd</sup>**

In filling a vacancy on a City board or commission, the City Council must complete the process of nominating one or more candidates and then hold an election to select one or

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<sup>aa</sup> Section 26 amended by resolution adopted April 5, 2021.

<sup>bb</sup> Section 27 amended by resolution adopted April 5, 2021.

<sup>cc</sup> Section 28 amended by resolution adopted December 21, 2009; by resolution adopted April 5, 2021.

<sup>dd</sup> Section 29 established by resolution adopted January 30, 1995; by resolution adopted April 5, 2021.

more eligible persons. The voting must be by roll call. An affirmative vote of a majority of those Council members present is required to elect a candidate.

**SECTION 30. City Council E-Mail Communications.<sup>ee</sup>**

E-mail communications exchanged between a quorum or more of Council members that are related to official City business are prohibited. Any issue that may or will be acted on by the City Council is considered official business of the City. Any Council member desiring to communicate information relating to official City business to the other Council members through e-mail or other electronic means must direct that communication to the City Manager, or the City Manager's designee, who must then transmit the information to the other Council members. An exchange of e-mails between two or three Council members involving official City business must not be forwarded to the other Council members.

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<sup>ee</sup> Section 30 established by resolution adopted July 18, 2005; amended by resolution April 5, 2021.

## **Appendix A**

### **SAMPLE CITY OF BLOOMINGTON, MN COUNCIL MEETING PROCEDURES**

#### **WELCOME TO A MEETING OF THE BLOOMINGTON CITY COUNCIL**

The City Council welcomes you to this meeting and invites you to participate in matters before the council. When meeting in the Council Chambers, members of the council are seated at the dais or appear electronically and each has a nameplate for recognition. City staff members are seated on the side of the dais, or may appear electronically. The council meets nearly each Monday at 6:00 p.m. in the Council Chambers and electronically as permitted by law. The Council may need to meet at other times to take care of time sensitive matters.

#### **AGENDA FOR COUNCIL MEETINGS**

Meeting agendas are typically available a few days before and during the meeting. A paper copy is located near the public entrance door to the Council Chambers. The agenda is also available on the City's website. Any written materials received sufficiently in advance of the meeting and then distributed to the Council will also be available for public inspection at the meeting and on the City's website.

#### **PUBLIC PARTICIPATION**

The Council welcomes suggestions and comments that help meet the needs of the City and improve its operations. Please speak from the podium and use the microphone when addressing the Council in person. Follow directions to make your presence known if appearing electronically. Speak clearly. If you require a reasonable accommodation or translation services so that you can participate in the Council meeting, please contact the City's ADA Office at 952-563-8733 preferably two business days before the meeting, so the City can attempt to provide your requested accommodation. Written materials may be submitted instead of or in addition to oral public comment at any time by handing your materials to the Council secretary or by sending them by email address or voicemail account listed on the agenda.

#### **PUBLIC COMMENT PERIOD (MATTERS NOT ON THE AGENDA)**

The public comment period is scheduled for up to 20 minutes and occurs near the beginning of the meeting. The public may address the City Council on matters not on the Council agenda for that meeting or on matters on the consent portion of the agenda for that meeting. Each speaker has 5 minutes to address the Council. Groups are encouraged to appoint a spokesperson in order to avoid repetitive testimony. The City Council will provide a response to matters raised during public comment at a subsequent City Council meeting.

#### **PUBLIC HEARINGS (MATTERS ON THE AGENDA)**

Before the City Council takes action on certain matters on the agenda, the law requires a public hearing. This hearing is an opportunity for members of the public to provide testimony to the City Council on that specific matter. Each speaker has 5 minutes to address the Council unless a different time limit has been announced by Presiding Officer (typically the Mayor). Groups are encouraged to appoint a spokesperson in order to avoid repetitive testimony. Please sign the speaker roster after you testify so we have the proper spelling of

your name and contact information for the meeting minutes and any required follow up by City staff to you. The Council or City staff may briefly respond to statements or questions raised during the public hearing. Written materials may be submitted in lieu of or in addition to public testimony at any time by handing your materials to the Council secretary or by sending them by email to the address listed on the agenda. You may also leave a voicemail by following the directions listed on the agenda.

#### IDENTITY OF SPEAKERS

The presiding officer (typically the Mayor) will ask each speaker to write the speaker's name on a sign-up sheet so your name is correctly recorded in the minutes if appearing in person. The presiding officer will ask each speaker to state the speaker's name to introduce themselves before speaking.

#### CONSENT AGENDA ITEMS

These items are considered to be routine by the City Council and will be acted on by one motion. There will be no separate discussion of these items unless a Council member requests it be removed from the consent agenda and considered at the end of Consent Business or at another stated time on the agenda as determined by the City Council. If you want to have an item removed from the consent agenda, then please alert the Council Secretary prior to the start of the City Council meeting. The Council Secretary will notify the City Council of a request to remove an item from the consent agenda

#### PRESENTATIONS

All presentation materials, including videos and PowerPoint presentations, must be presented to the City Manager's office at least two business days prior to the City Council meeting to ensure compatibility with the City's audiovisual equipment and technical quality of the presentation materials. This requirement does not apply to a piece of paper placed by the speaker at the speaker's podium for display when seeking to use the overhead camera in the Council Chambers.

#### RECORDING

City council meetings are recorded and often televised. In order for the Council and audience to hear you, it is essential that speakers use the podium or your electronic microphone when addressing the Council.

#### ELECTRONIC DEVICES

To observe the order and decorum of city council meetings, the volume on all electronic devices should be turned off or set on silent mode.

#### AMERICANS WITH DISABILITIES ACT (ADA)

In accordance with the Americans with Disabilities Act, the City of Bloomington will ensure that all existing facilities will be made accessible to the disabled. Modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability. Individuals with disabilities are encouraged to contact the City's ADA Office at 952-563- 8733 to discuss meeting accessibility.

Last Updated April 5, 2021