

CITY OF BLOOMINGTON
COUNCIL RULES OF PROCEDURE

BLOOMINGTON, MINNESOTA
(Revised) July 18, 2005
(Revised) December 21, 2009
(Revised) July 12, 2010

**A RESOLUTION ESTABLISHING RULES OF PROCEDURE FOR
THE CITY COUNCIL OF THE CITY OF BLOOMINGTON**

Be it resolved by the City Council of the City of Bloomington that the following Rules of Procedure for the City Council are hereby established.

SECTION I. Meetings of the Council.¹

(a) **Time.** The City Council shall hold regular meetings on the first and third Mondays of each month at 7:00 P.M. provided, however, that when the day fixed for any regular Council meeting falls upon a day observed by the Council as a legal holiday, such meeting shall be held at the same hour and place on the next succeeding business day, unless another day is designated in advance by the Council.

(b) **Place.** Unless another place is designated in advance by the Council, all regular meetings of the City Council for the purpose of taking official action shall be held in the City Council Chambers of the City Hall, and shall be open to the public and to the media.

(c) **Special Meetings.** The Mayor or any three members of the Council may call special meetings of the Council upon at least twelve hours notice to each member of the Council and such notice shall be posted at the City Hall for a like period. Such notice shall be delivered personally to each member or shall be left at the Member's usual place of residence with some responsible person.

(d) **Study Meetings.** One or more meetings of every month may be reserved as study meetings for discussing, deliberating and planning on matters of general concern for the proper development and future well-being of the community. Any other business may be considered at the discretion of the Council. Study meetings, at the discretion of the Council may be scheduled on the same day of their regular business meeting but at a separate time. The place at which study meetings are held shall be designated in advance by the Council.

¹ Section I amended by resolution adopted January 12, 1981.
Section I amended by resolution adopted July 6, 1981.
Section I amended by resolution adopted December 21, 2009.

While study meetings shall be open to the public, no public comment or public hearings shall occur at this meeting.

(e) Public Notice and Attendance. The City Clerk shall maintain a schedule of all scheduled regular and study session meetings of the City Council that shall 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) Meetings with the City Manager. Members of the Council may individually meet informally with the City Manager.

(g) Council Voting. The aye and no vote of each member of the Council on ordinances, resolutions and motions shall be recorded in the minutes unless the vote is unanimous, which record shall be open to public inspection at all times during regular business hours.

(h) Tie Vote. When there is a tie vote on a motion, the motion is lost. If such tie vote results from the absence of a member or members, it shall be automatically continued to the next regular meeting and; if necessary, until such time as the tie vote is broken.

SECTION II. First Meeting of the Year.²

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

- (a) Appoint Secretary of Council.
- (b) Designate the official depository of City funds.
- (c) Designate the official newspaper of the City.
- (d) Designate the acting Mayor, who shall serve in the absence of the Mayor.
- (e) Appoint members to Advisory Boards and Commissions.
- (f) And such other organizational business as deemed necessary.

² Section II amended by resolution adopted December 30, 1968.

SECTION III. Agendas.³

All reports, communications, ordinances, resolutions, contract documents or other matters submitted to the Council shall be filed not later than 4:00 p.m. on the Wednesday prior to the regular Monday Council meeting at which consideration is desired, and shall be delivered to the City Manager, or in the Manager's absence shall 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.

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

The Mayor, each Councilmember, the City Manager, the City Clerk, the City Attorney and the official newspaper of the City shall be sent a copy of the agenda by the afternoon of the Friday prior to the Monday Council meeting.

SECTION IV. Administrative Officials.

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

SECTION V. The Presiding Officer and Duties.⁴

The Presiding Officer of the Council shall be the Mayor. The Mayor shall assume the chair of the Presiding Officer at the first meeting of the Mayor's term of office. The Mayor shall preserve strict order and decorum at all regular and special meetings of the Council. As Presiding Officer, the Mayor may use Robert's Rules of Order, Newly Revised 10th Edition,

³ Section III amended by resolution adopted January 12, 1970.

⁴ Section V amended by resolution adopted December 21, 2009.

for guidance, interpretation or to supplement these Rules. The Mayor shall 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 shall govern and conclusively determine such question of order. The Mayor may vote on all questions, being the last name called. The Mayor shall sign all ordinances and resolutions and contracts adopted by the Council during the Mayor's presence. In the event of the absence of the Mayor, the acting Mayor shall sign ordinances or resolutions or contracts as then adopted.

SECTION VI. Call to Order – Presiding Officer.

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

SECTION VII. Roll Call.

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

SECTION VIII. Quorum.⁵

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

⁵ Section VIII amended by resolution adopted December 21, 2009.

SECTION IX. Order of Business.⁶

All official meetings of the Council shall 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 the day of each regular meeting, the members of the Council, the City Manager, the City Attorney, and the Secretary of Council, shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

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

SECTION X. Hearing Procedure.⁷

(a) **Parliamentary procedure.** Parliamentary procedure governed by Robert's Rules of Order, Newly Revised 10th Edition, shall be followed at meetings where hearings are held. At study session meetings, or when determined by the Presiding Officer or by majority vote of the Council, strict adherence to these rules may be set aside, except when motions are before the Council.

(b) **Hearing Procedure.**

1. The Presiding Officer shall state the matter to be heard.

⁶ Section IX amended by resolution adopted January 2, 1974.

Section IX amended by resolution adopted December 21, 2009.

⁷ Section X amended by resolution adopted December 21, 2009.

2. The Presiding Officer may call upon the staff representative to present the staff report. At the conclusion of the report, Councilmembers 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 Councilmembers, staff, or the public.
5. There shall be no dialogue amongst Councilmembers, staff or the public during the hearing. Councilmembers may ask questions of persons addressing the Council in order to clarify a fact, but any statement by a Councilmember 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 Councilmembers shall debate the matter under consideration.

SECTION XI. Minutes.

(a) The Secretary of Council shall 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 Secretary of Council has previously furnished each member with a copy thereof.

SECTION XII. Rules of Debate.⁸

(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 shall not be deprived of any of the rights and privileges of a Councilmember by reason of the Councilmember acting as the Presiding Officer.

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

(c) **Interruptions.** A member, once recognized, shall 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 shall cease speaking until the question of order is determined and if in order, the member shall be permitted to proceed.

(d) **Privilege of Closing Debate.** The Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) **Remarks of Councilmember – When Entered in Minutes.** A Councilmember 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

⁸ Section XII was amended by resolution adopted December 21, 2009.

entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

(f) Synopsis of Debate – When Entered in Minutes. The Secretary of Council 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 XIII. Addressing the Council.⁹

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

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

(b) Oral Communications. Taxpayers or residents of the City, 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 shall be given to those persons who may have notified the City Manager or the acting City Manager in advance of their desire to speak in order that they may appear on the agenda.

(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 residents of the City with an opportunity to address the City Council on any subject pertaining to City business not on the agenda. The Presiding Officer has the right to terminate any speaker's remarks where the person has previously raised the issue or made the comment to the City Council in the interests of efficiently conducting the official business set forth on the agenda. The public comment period shall be scheduled from 7:10 p.m. to 7:30

⁹ Section XIII established by resolution adopted July 12, 1993.
Section XIII was amended by resolution adopted December 21, 2009.

p.m. at each regular City Council meeting; provided, however, that the City Council may extend the length of the public comment period. Individuals shall limit their remarks to five minutes 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 shall be given to those persons who may have notified the City Manager or the acting City Manager in advance of their desire to speak in order that they may appear on the agenda. Each person addressing the Council shall step up to the microphone in front of the dais, shall state his/her name and address in an audible tone of voice for the records and sign the speaker's register.

(d) Reading of Protests, etc. Interested persons or their authorized representatives may address the Council by reading of 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.

SECTION XIV. Handling a Motion.¹⁰

(a) Main Motion. A Councilmember 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 shall contain only one subject. All motions require a second. The Councilmember seconding the motion may speak for or against the motion. Once seconded, the Presiding Officer shall 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 XII of these Rules.

(b) Motion to Amend. Any Councilmember 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

¹⁰ Section XIV established by resolution adopted December 21, 2009.

majority vote of the Councilmembers 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 Table or Postpone to a Time Certain. Any Councilmember 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 Councilmembers present for passage.

(d) Motion to Table Indefinitely. Any Councilmember may make a motion to postpone consideration of the main motion so that the issue under consideration will be taken up at an unspecified, later date when it is placed on the agenda and a majority of the Councilmembers present vote to call it from the table. This motion is not debatable and requires a majority of the Councilmembers present for passage.

(e) Motion to Call the Question. Any Councilmember, 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 Councilmembers present for passage.

(f) Motion to Reconsider. Any Councilmember who voted on the prevailing side of the issue may make a motion that Council reconsider its vote on a matter either during the same meeting or at the next regularly scheduled meeting of the Council, after first placing the matter on the agenda. This motion is debatable and requires a majority of the Councilmembers present for passage. If that vote is affirmative a second vote is held on the issue to be reconsidered.

(g) Point of Order. When a Councilmember 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 Councilmember to speak and decide whether the Point of Order is valid. In the discretion of the Presiding Officer he or she 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 XV. Addressing the Council after Motion Made.¹¹

No person may address the Council after it has voted to close the public hearing, unless recalled by the Presiding Officer. After a motion is made by the Council, no person shall 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 XVI. Manner of Addressing Council – Time Limit.¹²

Each person addressing the Council shall step up to the microphone in front of the dais, shall state his/her name and address in an audible tone of voice for the records, sign the speaker’s register, and unless further time is granted by the Council, shall address the Council no more than three (3) minutes unless a longer period of time is permitted by the Presiding Officer or by vote of the Council. All remarks shall 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, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer.

¹¹ Section XV was amended by resolution adopted December 21, 2009.

¹² Section XVI was amended by resolution adopted December 21, 2009.

SECTION XVII. Silence Constitutes Affirmative Vote.

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

SECTION XVIII. Decorum.¹³

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

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

The Mayor and Councilmembers 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 Councilmembers are role models for residents, business people and often stakeholders involved in public debate.

(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, the Rules set forth at Section XIII (c) shall apply. Oral communications at City

¹³ Section XVIII was amended by resolution adopted December 21, 2009.

Council meetings concerning matters that are on the agenda are governed by Section XVI of these Rules. Staff and members of the public attending meetings of the City Council must refrain from any unnecessary conversation or distracting activity.

SECTION XIX. Code of Conduct.¹⁴

The Mayor and Councilmembers 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 shall 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 and not further the City's business.
2. Members must comply with all applicable laws in the performance of their public duties, specifically including the Open Meeting Law, Minnesota Statutes Chap. 13D.
3. Members must perform their duties in accordance with the Rules of Procedure 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 Councilmembers shall maintain the confidentiality of information concerning property, personnel or legal affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

¹⁴ Section XIX was established by resolution adopted December 21, 2009.

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

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

7. No member shall 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 shall use their public position for personal gain or to secure special privileges or exemptions for the person or for others.

9. No member shall, except as specifically permitted by Minnesota Statutes Section 471.895, accept or receive any gift of substance, 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.

SECTION XX. Censure Policy.¹⁵

(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 XIX of its Rules of Procedure.

¹⁵ Section XX was established by resolution adopted December 21, 2009.

(b) Policy. It is the policy of the City Council that all of its members shall comply with federal and state law, City ordinances, the City Charter and the City Council's Code of Conduct as set forth in Section XIX of its Rules of Procedure. Violation of such law or rule of procedure tends to injure the good name of 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 shall 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. A Rules Committee consisting of three Councilmembers, not to include the Councilmember who is the subject of the requested censure or the Councilmember requesting censure, shall be appointed by the Mayor. 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.

2. A copy of the request for censure and the charges shall be served on the Councilmember 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 shall determine that either:
 - a. Further investigation of the charges is required; or
 - b. The matter is to be set for public hearing; or
 - c. 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.
5. Further investigation, if required, shall be done by an *ad hoc* committee appointed by the Mayor. If the Mayor is the subject of the request, the committee shall be formed by the Deputy Mayor.
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 Councilmember who is the subject of the requested censure shall be given the opportunity to make an opening and closing statement and to question his or her accusers from the podium. The Councilmember who is the subject of the requested censure may be represented and may have the representative speak or question on his or her behalf. Testimony shall 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 shall not apply to the hearing and the procedures shall 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 Councilmembers eligible to vote on the matter. The Councilmember who is the subject of the requested censure shall not be entitled to vote on the matter.

SECTION XXI. Enforcement of Decorum.

(a) The Chief of Police, or such member or members of the Police Department as designated, shall be Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms shall carry out all 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 shall be 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, and cause the individual to be prosecuted under the provisions of this Code, the complaint to be signed by the Presiding Officer.

SECTION XXII. Special Committees.

All special Council committees shall be appointed by the Council.

SECTION XXIII. Councilmembers May File Protests Against Council Action.

Any Councilmember shall have 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 XXIV. Ordinances, Resolutions, Motions and Contracts.¹⁶

(a) **Preparation of Ordinances.** All ordinances shall be prepared by the City Attorney. Ordinances may be requested by any three 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. Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that the City Manager or City Attorney may present ordinances, resolutions and other matters or subjects to the Council, and any Councilmember may assume sponsorship thereof by moving

¹⁶ Section XXIV was amended by resolution adopted December 21, 2009.

that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

2. A statement of the purpose and effect of every ordinance, except an emergency ordinance, stating the time and place at which it will be considered, shall be published once in the official newspaper at least one week prior to its introduction and final passage.

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

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

5. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble thereto and is adopted by a vote of at least five members of the Council. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been filed with the Secretary of Council and posted in a conspicuous place at the City Hall or until the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

6. Every ordinance or resolution passed by the Council shall be signed by the Mayor or by the acting Mayor, attested by the Secretary of Council and filed with the City Clerk for preservation by that office . Every ordinance, and such resolutions as may be designated by the Mayor or by two other members of the Council, shall be published at least once in the official newspaper. 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.

7. 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 shall have 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 shall 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.

8. 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.

9. No City employee, other than those above mentioned in subdivisions 7 and 8 shall enter into discussions of the City Council at the meeting except to answer questions directed to such employee, or to present factual information.

10. The above regulations of City employees shall not be construed to limit the appearance before the City Council of any City employee when such appearance is made as a taxpayer or member of the public, for or against some particular issue under discussion by the Council, where such employee has an interest in the outcome thereof.

SECTION XXV. Presentations and Proclamations¹⁷

¹⁷ Section XXV was amended by resolution adopted July 12, 2010.

(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); or
2. A local, state or national organization that is hosting a convention in Bloomington; or
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.
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 during the Introductory Section of the Agenda if:

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.

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:

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; or

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.

5. Presentations or proclamations outside the purview of the City of Bloomington's governance.

(d) City Manager's authority. The City Manager shall have the authority to approve presentations and proclamations proposed for City Council meetings:

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 will be submitted to the City Manager's Office.

3. All presentation materials, including videos and PowerPoint presentations, must be presented to the City Manager's office two business days prior to the start of the City Council meeting to ensure compatibility with the City's audiovisual equipment and technical quality of the presentation materials.

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

SECTION XXVI. Waiver.

By unanimous consent of all Councilmembers present, these rules may be waived.

SECTION XXVII. Adjournment.

A motion to adjourn shall always be in order and decided without debate.

SECTION XXVIII. Matters Not Specifically Covered.¹⁸

Robert's Rules of Order, Newly Revised 10th Edition, shall be accepted as an authority on parliamentary practice on matters not specifically covered.

SECTION XXIX. Appointment of Persons to City Boards and Commissions.¹⁹

In filling a vacancy on a City board or commission, the City Council shall complete the process of nominating one or more candidates and then hold an election to select one or more eligible persons. The voting shall be by roll call. An affirmative vote of a majority of those Councilmembers present is required to elect a candidate.

SECTION XXX. City Council E-Mail Communications.²⁰

E-mail communications exchanged between a quorum or more of Councilmembers that are related to official City business are prohibited. Any issue which may or will be acted on by the City Council is considered official business of the City. Any Councilmember

¹⁸ Section XXVIII was amended by resolution adopted December 21, 2009.

¹⁹ Section XXIX established by resolution adopted January 30, 1995.

²⁰ Section XXX established by resolution adopted July 18, 2005.

desiring to communicate information relating to official City business to the other six Councilmembers through e-mail or other electronic means shall direct that communication to the City Council Secretary, who shall then transmit the information to the other Councilmembers. An exchange of e-mails between two or three Councilmembers involving official City business shall not be forwarded to the other Councilmembers.