

## RULES AND PROCEDURES FOR GENEVA CITY COUNCIL

### 1. RULES OF ORDER

Except as otherwise provided by these rules, the City Charter, the Municipal Code, or applicable provisions of state law, the procedures of the City Council shall be guided by the latest revised edition of Roberts Rules of Order, however, Robert's Rules of Order are not formally adopted.

### 2. AGENDA

The City Clerk shall prepare the Agenda under the direction of the City Manager as follows:

(a) The City Manager shall consult with the Mayor in the preparation of the Agenda.

(b) The Agenda and all available supporting documents shall be delivered to Council members on the Friday preceding the Wednesday City Council meeting to which it pertains or as soon thereafter as possible.

(c) Any Councilmember or the City Manager may direct that any matter within the City Council's jurisdiction be placed upon the Agenda. Council members must submit agenda items no later than six days before the next scheduled council meeting.

(d) Subject to the provisions of the NYS Open Meetings Law, the city manager, mayor, and city council members may offer items to be placed on the agenda at any time, including during a meeting if a case can be made that emergency consideration is warranted. Any amendment to the meeting agenda must be approved by a majority vote. Items offered during a meeting that fail to receive the required support to be added to the agenda will be automatically placed on the agenda of the next scheduled meeting.

(e) The removal or reordering of agenda items must be approved by majority vote prior to the commencement of the meeting's regular business, regular business being defined as right after Public Comment on the agenda.

### 3. POWERS AND DUTIES OF PRESIDING OFFICER

(a) Participation. The Mayor or his designee shall serve as Presiding Official at each regularly scheduled meeting. In the event that the Mayor is not in attendance and has not designated an alternate, the most senior Councilor in attendance shall serve as the Presiding Official. The Presiding Official may move, second, and debate from the chair, subject only to such limitations of debate as are imposed upon Council members by these rules, and shall not be deprived of any of the rights or privileges of a Council member by reason of his or her acting as the Presiding Official.

(b) Duties. The Presiding Official shall (1) preserve order at all meetings of the City Council; (2) state (or cause to be stated) each question coming before the City Council; (3) announce the decisions of the City Council on all subjects; (4) decide all questions of order subject to the right to appeal rulings on questions of order to the entire City Council; and (5) encourage all persons present at the meeting to conform their conduct in a civil manner.

4. RULES OF DEBATE (a) Getting the Floor. A Councilmember desiring to speak shall gain recognition by the Presiding Official.

(b) Interruptions. A Council member who has the floor shall not be interrupted when speaking unless he or she is called to order by the Presiding Official, a point of order or a personal privilege is raised by another Councilmember or the speaker chooses to yield to a question by another Council member. If a Council member is called to order, he or she shall cease speaking until the question of order is determined.

(c) Points of Order. The Presiding Official shall determine all points of order subject to the right of any Council member to appeal to the City Council. The Presiding Official's decision may be overruled by a two-thirds vote of the Council members then present.

(d) Privilege of Final Comment. The Council member moving the introduction or adoption of an ordinance, resolution, or motion, shall have the privilege of speaking last on the matter after all other Council members have been given an opportunity to speak. Privilege of Final Comment will be limited to one minute.

(e) Motion to Reconsider Legislative Actions. A motion to reconsider any legislative action taken by the City Council may be made only by one of the Council members on the prevailing side, or a council member who was absent at the time the action was taken, and may be seconded by any Council member. Such motion to reconsider a vote may be made during the same meeting the original vote was taken, but not later than three months after the initial vote. Such motion shall be debatable. A motion by a non-prevailing Councilmember or a request by a member of the public for reconsideration may be made only if one year has passed since the action was taken or the offering party provides substantial new information for consideration. Whether the new information presented is substantial shall be determined by the Presiding Official, subject to appeal to the entire City Council. When a motion for reconsideration has been once decided, it is not in order for the same presenter to repeat the motion. If a public hearing was required on the matter being reconsidered, whether or not a new public hearing must be scheduled shall be incorporated as part of the motion for reconsideration offered. Motions to Reconsider Legislative Actions shall require a majority vote of council.

(f) Calling the Question. A question may be called by majority vote of those present. However, neither the moving party nor the party seconding any motion may call for the question, each Councilmember shall be afforded one opportunity to speak on each item before the question is called, and a question may not be called to interrupt or cut off a particular speaker. The motion to call the question is not debatable. If the motion is successful, a vote on the matter under discussion immediately follows, however, the Presiding Official may allow, at his or her discretion, a one minute comment by each council member who wishes to speak in opposition. If the motion to call the question fails, discussion on the original matter resumes.

(i) Limitation of Discussion. Council members shall limit their remarks during an active motion to the subject under discussion. No Council member shall be allowed to speak more than once upon any particular subject until every other Council member desiring to do so has spoken. Prior to beginning deliberation, the Council may, by a two-thirds vote of those present, limit the amount of time that each Councilmember may spend stating his or her views on a particular agenda item. Once this time limit clause is invoked, all second comments by any council member shall be limited to two minutes or less.

## 5. PUBLIC COMMENT

(a) Manner of Addressing the City Council. After being recognized by the Presiding Official, each member of the public addressing the City Council shall go to the podium, state his or her name and whom he or she is representing, if he or she represents an organization or other person. Each member of the public is encouraged, but not required, to also state his or her address, neighborhood, or city of residence. All remarks shall be addressed to the City Council as a whole and not to any individual member thereof. After a public hearing has been closed, no member of the public shall address the City Council on the matter under consideration, unless specifically requested to do so by the Presiding Official. Council may request additional input from the public on a particular matter subject to a majority vote. Members of the public shall refrain from asking any questions directly to the council except through the Presiding Official. The Presiding Official may use his or her own discretion in determining if a question is allowable.

(b) Time Limits. Members of the public who address council under Public Comment shall be limited to three minutes. Public Officials addressing council shall not be limited to the three minute rule. Any member of the public who may require more than the allotted three minutes, must seek an exemption to the three minute rule before offering comments. Only the Presiding Official may grant that exemption.

## 6. ENTITLEMENT TO VOTE AND FAILURE TO VOTE

Every Councilmember present is entitled to vote unless disqualified by reason of a conflict of interest. A Councilmember who abstains from voting is not eligible to bring a future motion for reconsideration on that matter.

## 7. DISQUALIFICATION FOR CONFLICT OF INTEREST

Any Councilmember who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Official state the nature of such disqualification. Any Councilmember who wishes to abstain for other reasons, where an express conflict of interest does not exist, shall not be allowed to participate in any debate on the matter.

## 8. AMENDMENTS TO COUNCIL RULES OF PROCEDURE

Procedure for Amending Rules. Any member of the city council may request that the city council meeting rules of procedure be amended by submitting such request in writing to the city manager together with the specific change being recommended. The city manager shall submit the request to the city council at the council's next regularly scheduled meeting by placement of the request on the agenda. A super majority vote of the council shall be necessary to approve any amendment to the rules of procedure. Upon approval, the city clerk shall revise the rules of procedure and provide a copy of the revised rules to each member of council and to the city manager not later than the next regularly scheduled meeting of the council after approval of the amendment.

## 9. FAILURE TO OBSERVE RULES OF PROCEDURE.

These rules of order and procedures govern the conduct of City Council meetings. These rules are intended to expedite the transaction of the business of the City Council in an orderly fashion and are deemed to be procedural only. Failure to strictly observe these rules shall not affect the jurisdiction of the City Council or invalidate any action taken at a meeting that otherwise conforms to law.

Robert's Rules of Order. On all questions of practice or procedure not provided for by these rules, the practice and procedure set forth in Robert's Rules of Order Newly Revised shall be advisory, but not formally adopted by this body. The City Attorney shall act as parliamentarian.

#### 10. PRESENTATION OF OFFICIAL POSITION.

On occasion, members may wish to transmit correspondence on an issue upon which the Council has yet to take a position, about an issue for which the Council has no position, or on which the Council has adopted a position contrary to an individual member's stated position. In these circumstances, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of Council. Staff support, in the form of advice, counsel, or public statements cannot be utilized for personal or political purposes.

For Future Consideration of Adoption – When the City Has the Proper Equipment in Place

#### 11. REMOTE PARTICIPATION IN MEETINGS

A. Council Members may attend regular meetings, special meetings, study sessions and committee meetings by telephone, webcast, or related technology which allows real-time, synchronous interaction between the members at the meeting and the member who is away. Council Members may remotely attend each type of meeting once per calendar quarter; provided, that this limitation shall not apply when a Council Member is absent for medical reasons.

B. Notice of remote attendance must be provided to the City Clerk's Office not less than forty-eight hours before the scheduled start time for the meeting. The City Clerk or designee shall immediately advise the presiding officer of the proposed remote

participation. If more than one Council Member wishes to attend a meeting virtually, the first Council Member to notify the City Clerk's Office shall be the one permitted to attend remotely, with other allowed only as the availability of suitable equipment allows.

C. At any meeting where a Council Member is attending remotely there shall be a device that allows the voice of the Council Member to be heard by everyone present in the meeting room. The Council Member shall identify himself or herself before speaking. The Council Member on shall notify the others if he or she is about to disconnect from the call.

D. A Council Member who is connected remotely in the meeting place shall be connected to the meeting prior to the roll call vote and shall participate in the roll call in order to be considered actually present at that meeting for the period of time he or she is so connected, and that presence shall count toward a quorum of the Council or committee for all purposes.