

City of Diamondhead, MS
Request for Council Action

TO: Honorable Mayor and Members of Council
FROM: Councilman at Large, Lindsay "Tink" L'Ecuyer

Ordinance Resolution Agreement/Contract Info Only Work Session Only

AGENDA LOCATION: Consent Agenda Regular Agenda

FORMAL AGENDA DATE REQUESTED: 21 May 2019

ORDINANCE/RESOLUTION CAPTION:

2019-XXX: Motion to adopt the City Council Procedural Ordinance 2019-002 as presented to the Council on 12 March 2019.

SUMMARY BACKGROUND:

Procedural Ordinance is required to ensure standardized procedures are in place for conducting City Council meetings.

IMPACT IF DENIED:

IMPACT IF APPROVED: N/A

FINANCIAL IMPACT: N/A

REQUIRED SIGNATURES

REQUESTED BY:	Lindsay "Tink" L'Ecuyer Jr.
City Manager:	
City Attorney:	

COUNCIL ACTION:

Approved Denied Tabled/Deferred Info Only **Completed:**

PROCEDURAL ORDINANCE

BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE CITY OF DIAMONDHEAD, Mississippi.

Sec. 1-1 Meetings - - Regular.

- (a) Time. The city council shall hold its regular meetings on the first Tuesday of each month beginning at 6:00 p.m. The council may, by resolution adopted not less than one week prior thereto, change its regular time of meeting. If the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held the same hour on the next succeeding day not a holiday.
- (b) Place. Regular meetings of the council shall be held in the council chambers at City Hall; provided, that the council may adjourn any meeting to such other place as it may deem necessary, desirable or convenient for the holding of its session; provided further that if such meeting is adjourned to some other place, notice of the place the meeting is being held shall be affixed to the door of the council chambers.

Sec. 1-2 Meetings - Second Regular.

The city council will hold its second regular meeting each month on the third Tuesday of each month at the same time and place as set for the regular meeting with the same provisions and exceptions as stated for the regular meeting.

Sec. 1-3 Meetings - Recessed.

Any first or second regular meeting of the council may be recessed by appropriate board action to reconvene on a day and time fixed by order of the board and duly entered in the minutes of the meeting which is recessed.

Sec. 1-4 Meetings - Special.

Special meetings may be called at any time by the mayor or two (2) councilmembers on at least two (2) days' notice to the mayor and each member of the council. To call the special meeting a summons or written notice calling the meeting, including its date, time and place, signed by the mayor or board members calling it, must be served by an officer of the police department to the mayor and/or members to the board who have not signed it. The notice must be served at least three hours before the time of the meeting fixed upon the notice.

Sec. 1-5. Agenda.

All items of business or other matters to be officially considered for action of the council shall be submitted to the city clerk on the Request for Council Action (RCA) by noon on the Wednesday prior to each council meeting, whereupon the city clerk shall immediately arrange a list of such business items or matters according to the order of business as set forth in Sec. 1-10 of this procedural ordinance and furnish each member of the council, the city manager and the city attorney with a copy of the same at least 16 hours prior to the council meeting, and as far in advance of the meeting, as time for preparation will permit. The RCA shall indicate the item placement on the agenda (all matters of Planning & Zoning shall automatically be placed on the action agenda). An RCA may be removed or withdrawn only by submitting councilmember. Any member of the council may, however, bring before the council any urgent or emergency matter, not on such agenda, subject to the approval of the mayor and other council members to hear and/or be acted upon.

An agenda in draft form shall be sent to the Mayor and Council on Thursday morning preceding the meeting or as soon as reasonably possible. The final agenda with all supporting documentation shall on Friday as soon as reasonably possible; but no later than 5:00 p.m. be sent to the council via email and hardcopies placed in each member's mailbox at City Hall. In addition, the final agenda and supporting documentation shall be made available at City Hall for public review at City Hall and shall be posted to the City's website. No additions or deletions (changes) to the agenda shall be made, however, amendments may be made to the agenda at the meeting as appropriate.

Sec. 1-6. Presiding Officer.

The presiding officer of the city council shall be the mayor, or, in his absence the mayor pro tempore. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the council. He 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 membership shall govern and conclusively determine such question of order. Such appeal shall be immediately presented and voted upon by the council.

Sec 1-7. Calling of Meetings to Order.

The mayor, or in his absence, the mayor pro tempore, shall take the chair precisely at the hour appointed for the council meeting, and shall immediately call the city council to order. In the absence of the mayor or mayor pro tempore the city clerk or his assistant shall call the council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon the arrival of the mayor or mayor pro tempore, the temporary chairman shall immediately relinquish the chair upon conclusion of the business immediately before the council.

Sec. 1-8. Roll Call.

Before proceeding with the business of the city council, the clerk or his/her deputy shall take roll of the members. The names of those present shall be entered in the minutes. The clerk will announce those present and absent at the call of the mayor during the roll call order or business.

Sec. 1-9. Quorum.

At least four members of the council shall constitute a quorum at any regular or special meeting of the council. No official business may be transacted by the council in the absence of a quorum, at any time after the meeting has been called to order.

Sec. 1-10. Order of Business.

All meetings of the city council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the council, the city clerk, the city attorney and the city manager 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
 - a. Prayer and The Pledge of Allegiance
 - b. Roll call and establishment or quorum
 - c. Confirm or Adjust Agenda

- (2) Presentation Agenda:
 - a. Announcements
 - b. Presentations
 - c. City Manager's Report
- (3) Public comment related to agenda items
- (4) Policy Agenda:
 - a. Approval of minutes of previous meeting
 - b. Reports of standing and special committees
 - c. Public Hearing
 - d. Ordinances
 - e. Resolutions
 - f. Consent Agenda
 - g. Action Agenda
- (5) Routine Agenda:
 - a. Claims docket or payment of expenses
 - b. Financial Reports
 - c. Departmental Reports
- (6) Public comment related to non-agenda items
- (7) Executive Session, if necessary.
- (8) Adjournment

Sec. 1-11. Minutes.

A copy of the minutes of the previous regular and any intervening meeting of the city council duly recorded and prepared according to the Mississippi Statutes shall be made available to all city council members along with agenda packets for the meeting at which the minutes are to be adopted.

Sec. 1-12. Approval of Minutes.

The approval of the minutes of the previous city council meeting and any appropriate intervening special meetings may be approved by general consent as printed and distributed to the city council, unless their reading is requested by a member of the council. Corrections to the printed minutes will be requested and considered at the time of their approval on the council meeting agenda.

Sec. 1-13. Record of Voting.

All actions of the city council requiring a vote shall be recorded in the minutes by individual council member as either "For," "Opposed" or "Abstained." Members introducing and seconding motions will also be recorded. While abstentions are recorded by name, the number of those abstaining is always counted on the "prevailing" side of the numerical vote count when calculating percentages needed for a majority, 2/3's majority, or unanimous call. Should the city clerk, mayor, or any council member be uncertain as to the individual disposition of the votes, a Division of the council or Roll Call vote may be called.

Sec. 1-14. Robert's Rules of Order.

Unless otherwise specified or unless changed by a specific provision of this article, the city council shall be governed in all matters of procedure by that compilation of rules of procedure known as "Robert's Rules of Order." Each member of the Council, the Attorney, the City Manager and the City Clerk shall have provided by the City and for their reference a Robert's Rules in Plain English, Second Edition.

Sec. 1-15. Rules of Debate.

- (a) The presiding officer and councilmembers may debate and vote as allowed by Mississippi statutes. The mayor or such other members of the city council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are imposed by these rules on all members, and shall not be deprived of any of the rights and privileges of a councilman by reason of his acting as the presiding officer, except as provided by Mississippi statutes.
- (b) Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself 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 him to order as otherwise provided in this article. If a member, while speaking until the question of order is determined, and, if in order, he shall cease speaking until the question of order is determined, and, if in order, he shall be permitted as necessary to maintain order in discussion.
- (d) Limitation on debate.
 - (1) At such time council enters debate or discussion, public comment is prohibited unless specifically requested.
 - (2) No member shall speak more than once on any subject under discussion until all other members of the council have had the opportunity to speak. If a member of the council desires to have a second opportunity to speak or comment, a request may be made the presiding officer.
 - (3) The presiding officer shall give the floor to the council member making motion, thence to the council member having seconded the motion, debate shall then continue beginning by Ward, At-Large and the Mayor.
- (e) A council member may request through the mayor or presiding officer that an abstract of his statement on any subject under consideration by the council be entered in the minutes. Any council member shall likewise have the right to have the reason for his dissent or protest against any action of the city council entered on the minutes.
- (f) Procedure for introduction and passage of ordinances, etc.
 - (1) Ordinances, resolutions, and other matters or subjects requiring action by the council may be introduced by and sponsored by any member of the council and by no other person. The chief administrative officer, city attorney, city clerk or city manager may present ordinances, resolutions, and other matters to the council, and any council member may assume sponsorship thereof by introducing same and moving its adoption.
 - (2) Each ordinance, resolution or other matters or subjects requiring action by the council shall be introduced in the form of a motion, duly seconded and discussed prior to voting on the measure. Discussion may precede and follow formal introduction of motions, if deemed necessary by the presiding officer.
- (g) Motion to Reconsider. A motion to reconsider an action taken by the council may be made only during the meeting such action was taken or during the next subsequent recessed or adjourned meeting. Such motion must be made by a council member who voted on the prevailing side.
- (h) Suspension of the Rules. A motion to suspend the procedural rules of the council may be introduced when it is desired to temporarily suspend the operation of some standing rule in order to take emergency action, or action which is determined to enhance the efficient dispensation of business before the council.

Sec. 1-16. Citizens addressing the Council.

- (a) The mayor or presiding officer of the city council shall provide opportunity during council meetings for discussion by interested persons or their authorized representatives on any council bill or other matter before the council prior to final passage; provided, that the preference shall be given to any person, who has made such request to the clerk and signed the register made available prior meeting in order to do so.
- (b) Any person may direct a written communication to the city council on any matter concerning the city's business by directing the communication to the council through the city clerk. Any such written communication shall be placed on the agenda of the next regular council meeting under the order of business where the item or subject is addressed or under public comment.
- (c) After a motion is made by the city council, no person except a member of the council shall address the council, without having submitted the above described written request and properly obtaining the floor through the presiding officer.
- (d) The presiding officer of the council shall, from time to time, make such rules as he may deem necessary to fulfill and carry out the intent of the provisions of this section.

Sec. 1-17. Manner of addressing council:

Time Limit. Each person addressing the city council shall have made request to the clerk, signed the register, and if granted shall approach the podium when called to do so by the presiding officer of the council, shall give his/her name and address of residence for the records. Unless further time is granted by the council, each person shall limit their address to three minutes. 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 or asking a question of a council member either directly or through a member of the council, without the permission of the mayor or presiding officer.

Sec. 1-18. Decorum – Generally.

- (a) By council members.

While the city council is in session, the members shall preserve decorum and order, and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council, nor disturb any member while speaking, nor refuse to obey the orders of the council or its presiding officer, except as otherwise provided in this article.

- (b) By other persons.

No person shall make personal, impertinent, profane or slanderous remarks, nor otherwise disturb the order and decorum of any council meetings. The sergeant-at-arms, at the direction of the mayor, shall remove any person violating the provisions of the subsection.

Sec. 1-19. Decorum - - Preservation; Sergeant-At-Arms.

The chief of police or such members of the police department as he may designate shall be sergeant-at-arms of the city council meetings. He shall carry out all orders and instructions given by the mayor or presiding officer for the purpose of maintaining order and decorum at the council meetings.

Sec. 1-20. Special Committees.

All special committees shall be appointed by the mayor, unless otherwise directed by the city council.

Sec. 1-21. Standing Committees.

The city council shall have such standing committees as it may establish.

Sec. 1-22. Committee Meetings - - Generally.

Meetings of all committees may be held at such time and place as the committee shall determine for its convenience. The committee, at its discretion, may determine who, besides its members may be present.

Sec. 1-23 Public Hearings.

All public hearings shall be properly noticed. If a public hearing is included on the agenda as order of business during a council meeting, the Mayor or presiding officer shall announce the matter at hand for public comment. The presiding officer opens the floor for public comment and calls aloud a minimum of three (3) times for the interested parties to present. Anyone addressing the council shall sign the register with the clerk. They shall approach the podium when called to do so by the presiding officer of the council, shall give his/her name and address of residence for the records. Unless further time is granted by the council, each person shall limit their address to three minutes. Public hearings afford residents the opportunity to share comments about a particular matter and is not intended an open platform for questions and answers. Public hearings will close with council comments in order by Ward, At-Large and the Mayor.

Sec. 1-23. Reports of Committees.

All committees of the city council shall make their reports in writing when so directed by the presiding officer. All reports shall be filed with the city clerk and entered on the minutes of the city council.

Sec. 1-24. Motions to adjourn.

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

Passed at meeting: _____

Mayor

Attest: _____ City Clerk

Approved as to form: _____ City Attorney

Approved for Council action: _____ City Manager