

# CITY COUNCIL OF MANHATTAN BEACH BYLAWS

Resolution No.032010

## A RESOLUTION ESTABLISHING RULES FOR THE ORGANIZATION AND PROCEDURE OF THE CITY COUNCIL OF MANHATTAN BEACH.

The city council of Manhattan Beach resolves as follows:

**WHEREAS**, the city council of Manhattan Beach has power to regulate its own procedure under Minn. Stat. § 412.191, subd. 2.

**NOW THEREFORE**, the city council of Manhattan Beach has determined that its rules of organization and procedure are as follows.

### Section 1. Meetings

**Subdivision 1. Regular meetings.** Regular meetings of the city council shall be held on the first Tuesday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday, public election, or political caucus shall be held on the next following business day at the same time and place. The city clerk shall maintain a schedule of regular meetings. This schedule shall be available for public inspection during regular business hours at the city clerk's office. All meetings, including special emergency meetings, shall be held in the city hall.

**Subd. 2. Special meetings.** The mayor or any two members of the council may call a special meeting of the council upon at least 24 hours written notice to each member of the council. This notice shall be delivered personally to each member, or left at the member's usual place of residence with some responsible person. Similar written notice shall be mailed at least three days before the meeting date to those who have requested notice of such special meetings. This request must be in writing and be filed with the city clerk, designating an official address where notice may be mailed. Such request will be valid for one year.

**Subd. 3. Emergency meetings.** The mayor or any two council members may call an emergency meeting when circumstances require the immediate consideration of a matter by the council. Notice may be in writing personally delivered to council members or may be in the form of personal telephone communication. Notice must include the date, time, place, and purpose of such a meeting. Where practical, the clerk shall make an effort to contact news gathering organizations that have filed a request to receive notice of special meetings.

**Subd. 4. Initial meeting.** At the first regular council meeting of January of each year, the council shall do the following:

- 1) Designate the depositories of city funds;
- 2) Designate the official newspaper;
- 3) Choose an acting mayor from the council members who shall perform the mayor's duties during the mayor's absence, disability from the city or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies;
- 4) Appoint necessary officers, employees, members of boards, commissions, and service providers.

**Subd. 5. Public meetings.** Except as otherwise provided in the open meeting law, all council meetings, including special, emergency, and adjourned meetings and meetings of all council committees shall be open to the public.

## **Section 2. Presiding officer**

**Subdivision 1.** Who presides. The presiding officer shall be the mayor. In the absence of the mayor, the acting mayor shall preside. In the absence of both, the clerk shall call the meeting to order and shall preside until the council members present at the meeting choose one of their number to act temporarily as presiding officer.

**Subd. 2. Procedure.** The presiding officer shall preserve order, enforce the rules of procedure herein prescribed and determine without debate, subject to the final decision of the council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules.

**Subd. 3. Appeals.** Any member may appeal to the council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his or her ruling, but no other council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present. A majority or tie vote sustains the decision of the chair. When the presiding officer is a member of the council, he or she can vote on the appeal.

**Subd. 4. Rights of the mayor as presiding officer.** The presiding officer may not make motions nor second motions. The presiding officer may speak on any question except that on demand of any council member the presiding officer shall pass the chair to another council member to preside temporarily. The mayor as presiding officer can vote on ordinances, resolutions, or a tie vote of the city council. The mayor as presiding officer may vote on motions if a quorum is needed to conduct a meeting.

## **Section 3. Minutes**

**Subdivision 1.** Who keeps. Minutes of each council meeting shall be kept by the clerk or in the clerk's absence, the deputy clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem.

Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the clerk and can be accurately identified from the description given in the minutes.

**Subd. 2. Approvals.** The minutes of each meeting shall be reduced to typewritten form, shall be signed by the clerk, and copies shall be delivered to each council member as soon as practicable after the meeting. At the next regular meeting following such delivery, approval of the minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be approved with a vote of the council. If there is an objection, the council shall vote upon the addition or correction. The approved minutes will be signed by the presiding officer and clerk.

**Subd. 3. Publication.** The clerk shall post on city website the official minutes within 30 days of a regular or special meeting. A summary of the action on public hearing notices, resolutions, ordinances, and other official proceedings shall be posted on city website and/or official newspaper as required by law. If the city council does not meet more than once every 30 days, the publication does not need to occur until ten days after the council has approved the minutes.

**Section 4. Order of business.**

**Subdivision 1.** Order established. Each meeting of the council shall convene at the time and place appointed. Council business shall be conducted in the following order:

- 1) Call to order
- 2) Roll call
- 3) Approval of minutes
- 4) Public hearings
- 5) Petitions, requests, and communications
- 6) Ordinances and resolutions
- 7) Reports of officers, boards, committees
- 8) Open forum
- 9) Unfinished business
- 10) Open forum
- 11) New Business
- 12) Miscellaneous
- 13) Adjournment

**Subd. 2. Varying order.** The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of the hearing.

**Subd. 3. Agenda.** The clerk and mayor shall prepare an agenda of business for each regular council meeting and file a copy in the office of the clerk not later than 5 days before the meeting. The agenda shall be prepared in accordance with the order of business and copies shall be delivered to each council member and to post to website as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a unanimous vote of the council members present.

**Subd. 4. Agenda materials.** The clerk shall see that at least one copy of printed materials relating to agenda items is available to the public in the meeting room while the council considers their subject matter. The agenda item shall not be considered unless this provision is complied with. This section does not apply to materials that are classified as other than public under the Minnesota Government Data Practices Act or materials from closed meetings.

**Section 5. Quorum and voting.**

**Subd. 1. Quorum.** At all council meetings a majority of the elected council members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

**Subd. 2. Voting.** The votes of the members on any question may be taken in any manner, which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes, as to that member's name, shall be recorded as an abstention.

**Subd. 3. Votes required.** A majority vote of all members of the council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

**Section 6. Ordinances, resolutions, motions, petitions, and communications.**

**Subd. 1. Readings.** Every ordinance and resolution shall be presented in writing. An ordinance or resolution need not be read in full unless a member of the council requests such a reading.

**Subd. 2. Signing and publication proof.** Every ordinance and resolution passed by the council shall be signed by the mayor, attested by the clerk, and filed by the clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

**Subd. 3. Repeals and amendments.** Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

**Subd. 4. Motions, petitions, communications.** Every motion shall be stated in full before the presiding officer submits it to a vote and shall be recorded in the minutes. Every petition or other communication addressed to the council shall be in writing and shall be read in full upon presentation to the council unless the council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the clerk.

**Section 8. Suspension or amendments of rules.**

These rules may be suspended or amended only by a two-thirds vote of the members present and voting.

Passed by the city council of Manhattan Beach this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk