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**CITY OF MANHATTAN BEACH
RESOLUTION NO. 02-18**

RESOLUTION ADOPTING AMENDED BYLAWS

WHEREAS, The City of Manhattan Beach previously adopted Bylaws on May 4, 2010 which established rules for the organization and procedure of the City Council of Manhattan Beach; and,

WHEREAS, from time to time, the City reviews and amends its Bylaws to ensure that the Bylaws are current, up-to-date, offer clear guidance for the City Council and the public, and to ensure that the Bylaws have not become outdated or rendered ineffective by technology or other changes in the City of Manhattan Beach; and,

WHEREAS, the City of Manhattan Beach recently adopted a policy whereby it will record and publish its City Council meetings, and the City Council needs clear rules and procedures to govern the recording and publication of City Council meetings; and,

WHEREAS, certain other aspects of the City of Manhattan Beach's May 4, 2010 Bylaws are unclear or do not offer guidance as to certain scenarios that have occurred at City Council meetings, and the City Council deems it to be in the best interests of the City, the City Council, and the residents and non-resident persons who own real property within the City of Manhattan Beach to amend the City's Bylaws to set clear policies to govern recording and publication of City Council meetings and to address other scenarios that are not addressed in the current Bylaws which was adopted as Resolution No. 032010; and,


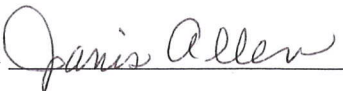


WHEREAS, the City Council and the City Attorney have prepared amended and updated Bylaws of the City of Manhattan Beach, which updated and amended Bylaws are attached hereto; and,

WHEREAS, the City Council approves and adopts these updated and amended Bylaws, and hereby repeals any and all previous Bylaws.

NOW, THEREFORE, BE IT RESOLVED,

1. That the City of Manhattan Beach hereby approves and adopts the updated and amended Bylaws attached hereto, and repeals any and all previous Bylaws.

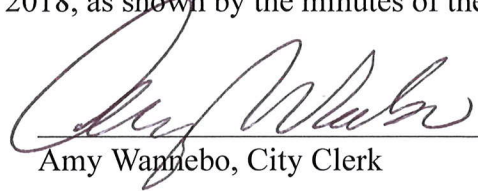
Approved this 7th day of February, 2018 by the Manhattan Beach City Council

Paul Allen, Mayor  Janis Allen 
Barb Hanson  Marelene Yurek ABSENT
Amy Wannebo 

CERTIFICATION

The undersigned, being the duly qualified and acting Clerk of the City of Manhattan Beach, hereby certifies the foregoing Resolution No. 02-18 is a true and correct copy of a resolution presented to and adopted by the Council of the City of Manhattan Beach at a duly authorized meeting thereof held on the 7 th day of February 2018, as shown by the minutes of the aforesaid meeting in possession of the undersigned.

(Seal)


Amy Wannebo, City Clerk

OFFICE OF COUNTY RECORDER
CROW WING COUNTY, MINNESOTA
DOCUMENT A- 900270
RECORDED ON:
February 16, 2018 2:16 PM
GARY GRIFFIN
CROW WING COUNTY RECORDER
BY: TD

RETURN TO: CITY OF MANHATTAN BEACH
39148 COUNTY ROAD 66 FEE: \$46.00
MANHATTAN BEACH, MN 56442 PAGES: 2

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city wk

CITY COUNCIL OF MANHATTAN BEACH BYLAWS

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

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 2. Approvals. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the clerk and the mayor or a City Council member, and copies shall be delivered to each council member as soon as practicable after the meeting. The minutes of each meeting are the official record of what transpired at each meeting, and as such, speakers, topics, and comments made at the public forum of City Council meetings shall not be noted or otherwise appear in the minutes, as comments at public forum are not City action and only represent the opinions of the speakers at public forum. However, public forum comments shall be recorded and posted on the City's website as part of the recording of the City Council meeting pursuant to Section 3, Subdivision 4 of these Bylaws. At the next regular meeting following delivery of the meeting minutes to each council member, approval of the minutes need not be read aloud, but the presiding officer shall call for any additions, amendments, or corrections. If there is no objection to a proposed addition, amendment, or correction, it may be approved with a majority vote of the council. If there is an objection, the council shall vote upon the addition, amendment, or correction. The approved minutes will be signed by the presiding officer and clerk.

Subdivision 3. Publication. The clerk shall post on the City's 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 the City's 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.

Subdivision 4. Recording of Minutes. The clerk shall record each council meeting by using the City's recording device. The clerk shall record the entire meeting, including the comments made at the public forum portions of the meeting. However, to ensure that it is clear that the views expressed by each speaker at public forum are that person's opinion and is not the City's opinion or position, at the beginning of public forum and before any individuals are allowed to speak, the Presiding Officer will note for the record that views expressed at public forum are the opinion of each speaker and are not the City's position on any topics discussed therein.

The clerk shall post the entire recording of each City Council meeting on the City's website so that the public can access and listen to each City Council meeting, unless there are profane or inappropriate comments that would be illegal or improper to publish. The City reserves the right to refuse to post recordings that contain profane or otherwise inappropriate communications. If any City Council member feels that it is inappropriate to post a recording on the City's website, that City Council member shall make an appropriate motion to not publish the recording, and that motion shall be voted on and shall be approved or denied by a majority vote of the council members present. The clerk will post the recordings of the meetings within ten days from the date of the meeting. The clerk shall also keep a recording of each City Council meeting at City Hall. If a meeting recording cannot be posted on the City's website due to its content, it will be available at City Hall for persons to review at their own risk.

The clerk shall use her best efforts to ensure that the City's recording device is properly maintained, is used appropriately, and that the City takes reasonable efforts, actions, and precautions to ensure that the recording system is maintained in good working order and that it clearly and accurately records the City Council meetings. However, the City may not be able to prevent the recording system from failing, as the City cannot reasonably prevent occasional technical problems from arising or from electronic problems from occurring. The City shall have no liability to anyone if the recording system fails to record a City Council meeting due to any technical failing or problems.

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) Public hearings
- 4) Approval of minutes
- 5) Treasurer's report

- 6) Petitions, requests, and communications
- 7) Ordinances and resolutions
- 8) Reports of officers, boards, and committees
- 9) Open forum
- 10) Unfinished business
- 11) Open forum
- 12) New Business
- 13) Miscellaneous
- 14) Adjournment

Subdivision 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.

Subdivision 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. If the clerk and mayor have a disagreement about preparing the agenda or in deciding which issues shall be on the agenda, then the mayor shall have the final authority in preparing the agenda. The agenda shall be prepared in accordance with the order of business and copies shall be delivered to each council member and shall be posted to the City's 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 majority vote of the council members present.

The agenda may be amended, with items being added or deleted from the agenda, only upon majority vote of the council members present.

Residents or non-residents who own real property within the City of Manhattan Beach (hereinafter "residents or non-resident property owners") may request to have matters placed on the agenda and to be heard on such matters by the City Council. Residents and non-resident property owners must make all such requests to add matters to the agenda and to be heard by the City Council in regards to those matters at least ten calendar days before the City Council meeting they are seeking to have their matter heard on. All such requests must be in writing, addressed to the City Council, and all such requests shall identify the topic or topics to be placed on the agenda, and shall include any and all written materials that the resident or non-resident property owner wishes to present to the City Council. Any resident's or non-resident property owner's request to place a matter on the agenda for consideration by the City Council that is not made at least ten calendar days before the upcoming City Council meeting shall be heard at the following City Council meeting, unless the person requesting to place the matter on the agenda subsequently requests to remove that matter from the agenda. These same rules shall apply to governmental agencies or bona-fide, legally organized environmental organizations, except that if a governmental agency or environmental organization wishes to place a matter on the agenda for consideration by the City Council, then the governmental agency or environmental organization's request must be made at least five calendar days before the City Council meeting it is seeking to have its matter heard on. A resident, non-resident, governmental agency, or environmental organization may be heard once on a matter that the resident, non-resident, governmental agency, or environmental organization wishes to present to the City Council as a

matter of right. A resident's, non-resident's, governmental agency's, or environmental organization's request to have the same matter reviewed again, or to be heard again on the same matter, at upcoming City Council meetings shall be listed on the agenda as a requested agenda amendment. That request to amend the agenda to allow a resident, non-resident, governmental agency, or environmental organization to present a matter for a second or subsequent time shall be voted on at the City Council meeting as a request to amend the agenda, and shall be approved or denied by a majority vote of the council members present. A resident, non-resident, governmental agency, or environmental organization does not have an absolute right to be heard more than once on a matter the a resident, non-resident, governmental agency, or environmental organization has placed on the agenda, and will only be heard a second or subsequent time if the City Council votes to amend the agenda to allow that person or entity to be heard again. The Presiding Officer may set a reasonable time limit of at least three minutes for residents, non-residents, governmental agencies, or environmental organizations to present issues that citizens have properly requested to be placed on the agenda.

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 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, and 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.

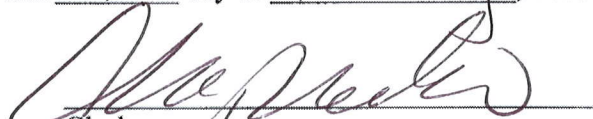
Subdivision 5. Communication with City Attorney. The Presiding Officer shall be primarily responsible for consulting with the City Attorney about legal matters affecting the City. If other council members, residents, non-residents, or other persons, agencies, or entities need to contact the City Attorney, then the person, agency, or entity wishing to contact the City Attorney will request to have that matter placed on the city council's agenda in accordance with Section 4, Subdivision Three of these bylaws, and the City Council shall take appropriate action on that request.

Section 7. 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 7th day of February, 2018.


Mayor


Clerk

**OFFICE OF COUNTY RECORDER
CROW WING COUNTY, MINNESOTA**

DOCUMENT A- 900269

RECORDED ON:

February 16, 2018 2:16 PM

GARY GRIFFIN

CROW WING COUNTY RECORDER

BY: TD

RETURN TO: CITY OF MANHATTAN BEACH
39148 COUNTY ROAD 66 FEE: \$46.00
MANHATTAN BEACH, MN 56442 PAGES: 6