

Rule 1. Regular Meetings

The regular meetings of the City Council shall be on the first and third Mondays of each month, at the city/school administration center, at such hour as the council shall fix from time to time. If a regular meeting day falls upon a holiday observed by the city, the regular meeting shall be held on the day following.

Rule 2. Special, Emergency, and Recessed [or Adjourned] Meetings

(a) Special Meetings. Special meetings of the council may be called by the mayor or by any three council members at any time, to consider only such matters as shall be mentioned in the call for such meeting, by written notice thereof given to each member of the council then in the city. Upon demand for such call, the finance officer shall give the notice above specified.

(b) Recessed [or Adjourned] Meetings. A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular, special, or emergency meeting.

Rule 3. Organizational Meeting

On the date and at the time of the first regular meeting following the annual municipal election, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the board shall elect a president and vice president, if he or she is not otherwise selected, using one of the nomination and voting procedures set out in Rule 25.

Rule 4. Agenda

(a) Proposed Agenda. The Finance Officer shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two (2) working days before the meeting. Any Council member may, by a timely request, have an item placed on the proposed agenda. A copy of all items shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Council member shall receive a copy of the proposed agenda and the agenda package and it shall be available for public inspection at www.rcgov.org.

(b) Adoption of the Agenda. As its first order of business at each meeting, the Council shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The Council may by majority vote add items to or subtract items from the proposed agenda, except that the Council may not add items to the agenda of a special

IMLA Event Papers

meeting. If items are proposed to be added to the agenda, the Council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Council members.

The Council may designate certain agenda items “for discussion and possible action.” Such designation means that the Council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

Rule 5. Public Address to the Council

Any individual or group who wishes to address the Council shall make a request to be on the agenda to the Council’s clerk. However, the board shall determine at the meeting whether it will hear the individual or group.

Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

Discussion and revision of the proposed agenda; adoption of an agenda

Approval of the minutes

Bid Openings

Mayor's items

etc.

By general consent of the Council, items may be considered out of order.

Rule 7. Presiding Officer

The Mayor shall preside at Council meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The Mayor shall have the right to vote only when there is a tie in procedural matters, but may not vote on an ordinance in any case. In order to address the Council, a member must be recognized by the chair. A member may speak to an issue only once per meeting.

If the Mayor is absent, the council president shall preside. If both the Mayor and council president are absent, the council vice president shall preside. The council vice president retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the chair becomes actively involved in debate on a particular matter, he or she [may] [shall] designate another Council member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

IMLA Event Papers

The presiding officer shall have the following powers:

To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;

To entertain and answer questions of parliamentary law or procedure;

To call a brief recess at any time;

To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the Council upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

Rule 8. Action by the Council

The Council shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 25. Any member, except the Mayor, may make a motion.

Rule 9. Second Is Required

Any motion requires a second before it may be considered.

Rule 10. One Motion at a Time

A member may make only one motion at a time.

Rule 11. Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

Rule 12. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules or the laws of South Dakota. A majority is more than half.

Rule 13. Voting by Written Ballot

The Council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Council shall show the vote of each

IMLA Event Papers

member voting. The ballots shall be available for public inspection in the office of the Finance Officer immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 14. Debate

The chair shall state the motion and then open the floor to debate. The chair shall preside over the debate according to the following general principles:

The maker of the motion is entitled to speak first;

To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Rule 15. Ratification of Actions

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 16. Procedural Motions

(a) Certain Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) Order of Priority of Motions. In order of priority (if applicable), the procedural motions are

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to [recess] [adjourn] to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess.

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.

Motion 5. To Suspend the Rules. The Council may not suspend provisions of the rules that state requirements imposed by law on the Council. For adoption, the motion requires an affirmative vote equal to two-thirds of the entire membership of the Council.

Motion 6. To Go into Closed Session. The Council may go into closed session only for one or more of the permissible purposes listed in SDCL §1-25-2. The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on SDCL §1-25-2 shall also state the name or citation of the law that renders the information to be discussed privileged or confidential.

Motion 7. To Leave Closed Session.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 9. To Defer Consideration. The Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires [_____] days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 16(b), Motion 14], or else move to suspend the rules [Rule 16(b), Motion 5].

Motion 10. Motion for the Previous Question. The motion is not in order until there have been at least [_____] minutes of debate and every member has had an opportunity to speak once.

Motion 11. To Continue to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules [Rule 16(b), Motion 5].

Motion 12. To Refer a Motion to a Committee. The Council may vote to refer a substantive motion to a committee for its study and recommendations. [Sixty] days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council.

Motion 13. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added

IMLA Event Papers

would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

Motion 14. To Revive Consideration. The Council may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within [_____] days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires [____] days after the deferral unless a motion to revive consideration is adopted.

Motion 15. To Reconsider. The Council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “nos” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

Motion 16. To Rescind or Repeal. The Council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 17. To Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to [a majority] [two-thirds] of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for [six] months or until the next organizational meeting of the Council, whichever occurs first.

Rule 17. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Rule 18. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

Rule 19. Duty to Vote

Each member shall be permitted to abstain from voting, by so indicating when the vote is taken.

Rule 20. Special Rules of Procedure

The Council may adopt its own special rules of procedure, to be specified here.

Rule 21. Closed Sessions

The Council may go into closed session only for one or more of the permissible purposes listed in SDCL §1-25-2. The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on SDCL §1-25-2 shall also state the name or citation of the law that renders the information to be discussed privileged or confidential.

Rule 22. Quorum

A majority of the actual membership of the Council shall constitute a quorum. A majority is more than half. The chair shall not be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present.

Rule 23. Public Hearings

Public hearings required by law or deemed advisable by the Council shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to Council meetings shall also apply to public hearings at which a majority of the Council is present; such a hearing is considered to be part of a regular or special meeting of the Council. These requirements also apply to hearings conducted by appointed or elected committees of Council members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the Council, or of a Council committee, as applicable, is present.

At the time appointed for the hearing, [the Council shall vote to open the hearing and] the chair or his or her designee shall call the hearing to order and then preside over it. When

IMLA Event Papers

the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer [shall declare the hearing ended] [shall entertain or make a motion to end the hearing].

Rule 24. Minutes

Full and accurate minutes of the Council proceedings shall be kept. These minutes shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Council, the entire Council shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the Council approves.

Rule 25. Appointments

The Council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Council may not consider or fill a vacancy among its own membership except in open session.

The Council shall use the following procedure to make appointments to various other boards and committees: The Mayor shall nominate his choice for _____. The appointment committee of the Council shall report on nominations received and reviewed and make its appointment recommendations, if any. The chair shall then open the floor for nominations, whereupon the names of [other] possible appointees may be put forward by the Council members. The names submitted [by the committee and by individual board members] shall be debated. When the debate ends, the chair shall call the roll of the members, and each member shall cast his or her vote.

[The nominee(s) receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.]

[The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.]

Rule 26. Committees and Boards

(a) Establishment and Appointment. The Council may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry on the Council's work. Any specific provisions of law relating to particular committees and boards shall be followed.

(b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that are composed of six or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among a unit's professional staff.

Rule 27. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the body that created the Council provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

Rule 28. Reference to *Robert's Rules of Order*

Boards shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as *RONR* does not conflict with South Dakota law or with the spirit of these rules.