
CITY OF PRIOR LAKE, MINNESOTA
MAYOR AND CITY COUNCIL

BYLAWS

Adopted on May 27, 1986

Revisions:

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| January, 1993 |
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**FRANK BOYLES
CITY MANAGER**

TABLE OF CONTENTS

| | | <u>Page</u> |
|--------------|--|-------------|
| Section 100 | Purpose | 3 |
| Section 200 | Regular, Special and Emergency Meetings and Work Sessions | 3 |
| Section 300 | Annual Meeting | 5 |
| Section 400 | Meeting Agenda Format and Consent Agenda | 5 |
| Section 500 | Quorum and Voting Procedures | 7 |
| Section 600 | Minute Preparation | 8 |
| Section 700 | Roles At Meeting | 9 |
| Section 800 | Motions, Resolutions, Ordinances | 11 |
| Section 900 | Public Hearing Format | 12 |
| Section 1000 | Committee Structure | 13 |
| Section 1100 | Suspension of Rules | 15 |
| Section 1200 | Reimbursement For Expenses | 15 |
| Section 1300 | Code of Ethics And Conduct | 15 |
| Section 1400 | City Council Recognition | 16 |
| Appendix A | Types of Motions | 17 |

**SECTION 100:
PURPOSE**

- 101:** Purpose of the Prior Lake City Council Bylaws is to provide the members of the City Council with a set of operating procedures designed to guide them during the Council meetings, and to establish a code of ethics and conduct.
- 102:** The Bylaws shall be considered and adopted at the Annual Meeting of the Prior Lake City Council. The Annual Meeting is the first regular meeting in January. Bylaws can be reviewed and amended at any meeting other than the Annual Meeting. Any changes or amendments to the Bylaws shall follow this procedure:
- 102.1 A motion to amend a specific section, subsection, paragraph, sentence, or line is proposed.
 - 102.2 A second to the motion is required.
 - 102.3 Discussion on the Bylaws amendment occurs.
 - 102.4 The vote is taken. A simple majority is required to pass the Bylaws at the annual meeting. A super majority is required at any meeting other than the annual meeting.

**SECTION 200:
REGULAR, SPECIAL AND EMERGENCY MEETINGS, AND WORK SESSIONS**

- 201:** Except as otherwise provided in the Minnesota Open Meeting Law, M.S.A., Section 471.705, all meetings of the City Council, including regular, special, emergency, work sessions, and adjourned meetings shall be open to the public.
- 202:** **REGULAR MEETINGS:** The Prior Lake City Council regular meeting shall be held on the first and third Mondays of each month commencing at 7:00 p.m. All regular meetings shall be held in the designated City Council Chambers. A Public Forum will be incorporated into the regular meeting agenda following the adoption of the agenda. The Public Forum will last no later than 30 minutes. The purpose of the Forum is to afford the public an opportunity to address concerns to the Council. Items to be considered on the agenda could not be addressed at the Public Forum. Forum items are also restricted to City governmental topics rather than as a mechanism for private agendas. Public Forums would be included as part of the regular meeting minutes and cablecast live.

When a regular meeting is projected to fall on an official holiday, the City Council shall reschedule the meeting for the following business day.-The City Council may consult with the City Manager to determine the amount of business pending and decide by majority vote to reschedule or cancel a meeting. The City Manager shall post notice and publish in the paper the decision of the City Council to reschedule or cancel the meeting pursuant to the Open Meeting Law. A City Council member shall inform the City Manager when an absence is planned or pending prior to the meeting. The City Manager shall inform the members of the City Council at the meeting that the member cannot be in attendance at the meeting.

- 202:** **SPECIAL MEETINGS:** Special Meetings may be called by any two (2) members of the City Council. Written notice shall be given to each member of the City Council of the time, place and purpose of the meeting. The notice shall be delivered to the member or a responsible person at the member's residence at least three days in advance of the meeting. (See City Code Section 1-5-2.) Notice shall be posted at City Hall and provided to any member of the public or news media who have requested notification in writing.

203: The agenda for a meeting will be prepared by the City Manager and shall be available the Wednesday before the following Monday meeting, except in the event of a holiday during agenda preparation week in which case the agenda will be available on Thursday. The agenda shall include the items set forth in Section 400 - Meeting Agenda Format and Consent Agenda. Copies of the agenda, supporting documentation and minutes from the previous meeting shall be made available to the public:

203.1 Once the materials have been delivered to the Councilmembers.

203.2 A copy of the agenda materials will also be available in the Council Chambers for public inspection at the time of the meeting.

205: **EMERGENCY MEETINGS:** The Mayor or City Manager may call an emergency meeting. Notice of the emergency meeting shall be given by either telephone, fax or written notice to members of the City Council. Notice shall be provided to each news medium and individual which has filed a written request for notice. Posted or published notice of an emergency meeting shall not be required. An "emergency" meeting is a special meeting called because of circumstances that require immediate consideration by the City Council.

206: **WORK SESSIONS:** The City Manager may schedule work sessions subject to Council approval.. The purpose of the work session is to afford the City Council, City Manager and City staff the opportunity to discuss policy matters in a more informal environment. Public input will not be allowed unless specifically scheduled in the agenda. The work session may be canceled at the discretion of the City Manager.

207: **CITY COUNCIL FORUM:** A City Council "Forum" shall be scheduled as part of each City Council meeting and follow the formal adoption of the agenda. The Forum is provided as an opportunity for residents, business owners and property owners of Prior Lake to address the City Council on any subject that is of community interest, provides information required by the Council to complete its duties, or are provided by agencies representing citizens of Prior Lake.

207.1 Every individual who addresses the Council at the Forum must first be recognized by the presiding officer and then shall state their name and address before beginning any comments.

207.2 No Council action may take place during the Forum. However, Councilmembers may express their views or reaction to a presentation and may ask questions of the presenter.

207.3 At the conclusion of the Forum, the Council may indicate its interest that the subject matter of a Forum presentation be placed on a subsequent City Council agenda.

207.4 Items to be considered on the agenda could not be addressed at the Public Forum. Forum items are also restricted to City governmental topics rather than as a mechanism for private agendas.

207.5 If any Councilmember deems that the comments are not appropriate to the public interest, the Councilmember may request the presiding officer to request the speaker to yield the podium. Further, any Councilmember may object to the request of the presiding officer to ask a speaker to yield the podium, in which case, the presiding officer shall put the matter to a vote of the Council.

207.6 Public Forums would be included as part of the regular meeting minutes and cablecast live.

**SECTION 300:
ANNUAL MEETING**

301: The first regularly scheduled meeting in January shall be referred to as the annual meeting. Regular business may be conducted at this meeting and the following organizational business is required unless deferred by the Council for a specific reason.

- 301.1 Swear in newly elected officials, if applicable.
- 301.2 Elect Acting Mayor. At its first meeting each year the Council shall choose an acting mayor from the Councilmembers. The acting mayor shall perform the duties of mayor during the disability or absence of the mayor from the City or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies. MN Stat. 412.121.
- 301.3 Appoint the Official newspaper.
- 301.4 Designate the Official bank.
- 301.5 Designate the Equalization Committee.
- 301.6 Appoint the Fire Chief/Assistant
- 301.7 Appoint an Auditing Firm.
- 301.8 Appoint a Fiscal Consultant.
- 301.9 Designate a Civil Defense Director
- 301.10 Designate a Health Officer
- 301.11 Appoint Council Members to serve as Liaisons to the various City Advisory Committees
- 301.12 Approval of City Council Appointed Committee Bylaws and Procedures.
- 301.13 Approve City Council Bylaws.
- 301.14 Designate an Animal Control Officer.
- 301.15 Adopt the Yearly Fee Schedule.
- 301.16 Appoint the Special Assessment Committee.

**SECTION 400:
MEETING AGENDA FORMAT AND CONSENT AGENDA**

401: Business of the meeting will be conducted according to the agenda prepared by the City Manager. The City Manager will prepare an agenda that follows this order:

- 401.1 Call to Order and Pledge of Allegiance
- 401.2 Approval of Agenda
 - The City Council may, by motion, change the order an item is to be considered on the agenda except those it may not begin a public hearing before the time specified in the public notice.
- 401.3 Public Forum
- 401.4 Approval of Minutes
- 401.5 Consent Agenda
 - *With the adoption of these Bylaws, a Consent Agenda is created. The purpose of the "Consent Agenda" is to group items of a routine and non-controversial nature for consideration under one motion. There will be no separate discussion of items placed on the "Consent Agenda". If discussion of an item on the "Consent Agenda" is desired, any member of the Council can request that item must be removed from the Consent Agenda and considered separately.*

- *The City Manager shall determine what items may be considered routine and non-controversial; and therefore appropriate for inclusion as a Consent Agenda item. To provide the City Manager with guidance, the following types of items tend to be routine and non-controversial: grant deeds, grants of easements, adoption of ordinances and resolutions previously considered by the city council, investment report, quarterly budget report, treasurer’s report, animal control report, building inspection report, non-controversial license requests, standard development contracts, calls for bid, reports of administrative actions and proposals, leases and agreements previously approved in principle, reports for filing or setting dates for public hearings, approval of payment of contracts, approval or denial of claims, award of bids, or any other item the City Manager considers routine and non-controversial.*
- *The City Council Agenda sheet shall include the following statement:
“Those items on the Council Agenda which are considered routine and non-controversial are included as part of the Consent Agenda. Items may be removed from the Consent Agenda at the request of any Councilmember or the City Manager.*

401.2 Removed Consent Agenda Items

401.3 Public Hearings

401.4 Presentations

- *The City Manager may schedule presentations before the City Council giving preference to presenters and topics which relate to City governmental business. Presentations are not action items.*

401.5 Old Business

401.6 New Business.

401.7 Other Business - Including Councilmember Reports

- Members of the City Council and staff may present items under Other Business that will be discussed and deliberated for the first time. These items should, for the most part, be informational. The City Council has the authority to request action or take a formal position on the item(s); however, this shall be done on an item by item basis.

401.8 Adjournment

402: CITY MANAGER TO DETERMINE AGENDA: It shall be the responsibility of the City Manager to prepare and decide the City Council agenda. The City Manager shall be responsible for overseeing and reviewing the preparation of all agenda items.

402.1 If a member of the public requests to appear before the City Council or requests an item to be placed on the Council agenda, the City Manager shall determine whether the item should appropriately be considered by the City Council at a regular meeting.

402.2 If the City Manager determines that an item should not be placed on a City Council agenda, the City Manager may recommend that the individual appear at a City Council Forum.

402.3 The City Manager shall maintain a list of items scheduled to appear on meeting agendas. The City Manager shall endeavor to manage the anticipated length of Council meetings in order to assure each matter receives full and fair consideration.

402.4 The City Council maintains final authority to approve, disapprove or modify the agenda.

403: The presiding officer may call a recess at any time during the meeting. Except for recesses for executive sessions, the presiding officer shall announce the length of the recess. The purpose

of the recess is to provide the City Council, City staff and the public attending the meeting with a short rest period from the Council business.

SECTION 500: QUORUM AND VOTING PROCEDURES

- 501:** At each meeting a majority of all the members elected (3 out of 5) shall constitute a quorum for the transaction of business.
- 502:** The voting options available to the City Council when a vote has been initiated are: aye - an affirmative vote; nay - a negative vote. A Councilmember may abstain only when they have a disqualifying conflict of interest. Except as authorized in Minn. Stat. 471.88, a public officer who is authorized to take part in any manner in making any sale, lease, or contract in official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. Minn. Stat. Section 471.87
- 503:** A public official or local official elected to or appointed by a metropolitan governmental unit who in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official's financial interests or those of an associated business, unless the effect on the official is no greater than on other members of the official's business classification, profession or occupation, must take the following actions:
- 503.1** prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest; and
- 503.2** deliver a copy of the statement to the presiding officer.
- 504:** If a potential conflict of interest presents itself and there is insufficient time to comply with clause 503.1, the public or local official must orally inform the City Council of the potential conflict. MN Stat. Ch. 10A.07, subd. 1.
- 505:** The purpose behind the creation of a rule which would disqualify public officials from participating in proceedings in a decision-making capacity when they have a direct conflict of interest in its outcome is to insure that their decision will not be an arbitrary reflection of their own selfish interests. There is no settled general rule as to whether such an interest will disqualify an official. Each case must be decided on the basis of the particular facts present. Among the relevant factors that should be considered in making this determination are: (1) nature of the decision being made; (2) the nature of the pecuniary interest; (3) the number of officials making the decision who are interested; (4) the need, if any, to have interested persons make the decision; and (5) the other means available, if any, such as the opportunity for review, that serve to insure that the officials will not act arbitrarily to further their selfish interests. *Lenz v. Coon Creek Watershed Dist.*, 278 Minn. at 1, 153 N.W.2d at 209 (1967).
- 506:** When a vote is to be taken, the presiding officer shall first call for the ayes, then the nays. The votes of each member shall be recorded in the Minutes. If a member of the City Council is absent during a vote, the member's vote for the official Minutes shall read as "absent".
- 507:** Three votes shall be necessary for approval of any ordinance unless a larger number is required by statute. A majority vote of a quorum is necessary for the approval of all general motions and resolutions.

- 508:** When a question is put by the presiding officer, every member present shall vote; unless the Council, for special reason, shall excuse a member prior to the calling of the vote or a conflict of interest prohibits a member from voting. If a member abstains from voting based upon a conflict of interest, the Councilmember must advise the presiding officer of the nature of the conflict. A vote dealing with a special assessment which affects a Councilmember's property shall be considered a disqualifying interest. Otherwise, any Councilmember, who being present when his or her name is called fails to vote upon any then pending proposition, shall be recorded as having voted in the affirmative.
- 509:** Voting Procedure: An agenda item shall be put before the City Council for its consideration and vote in the following manner:
- 509.1** The City Manager introduces the agenda item and provides the City Council with a description of the item and the action requested of the Council.
 - 509.2** The City Manager or any Councilmember may call upon City staff to describe an agenda item or to provide additional information.
 - 509.3** Discussion of the agenda item by the Council requires a motion and second to formally put the matter before the Council.
 - 509.4** Councilmembers may, at this point, ask questions of staff, present their views and engage in a dialogue with other members of the Council.
 - 509.5** After discussion concludes, the presiding officer shall call for a vote on the matter pending.

SECTION 600: MINUTE PREPARATION

- 601:** The City Manager is responsible for the preparation of the minutes of the Meeting. The meeting proceedings will be audio recorded and when available video tape recorded and noted by the Executive Secretary. The minutes of the meeting as approved by the City Council are the official record of the meeting. The tape recording is intended to supplement the minutes for the purpose of an on the record review. (Swanson v. City of Bloomington, 421 NW 2nd 307 (1988)). The following two requirements for "Minute" preparation shall be adhered to:
- 601.1** All motions typed in capital letters.
 - 601.2** List the names of the City Council after their vote on each motion.
- 602:** The official Minutes shall be prepared and presented to the City Council at the next regularly scheduled meeting as part of the agenda packet. The text of the minutes shall consist of official Council business conducted while the Council is in session. Any comments made at a meeting that are made prior to the start of or after adjournment of the meeting, or during any recess, shall not be made part of the minutes. The City Council shall review them and the presiding officer shall call for any additions or corrections. If an addition or correction is presented, the change must be specific as to place, paragraph, and sentence, if applicable. The official minutes shall be corrected to reflect the change.
- 603:** Approval of the minutes requires a motion, second and a majority vote of the members present at the meeting. Councilmembers who were not present at the meeting for which the minutes are being approved shall abstain from voting on the action to approve the minutes.
- 604:** The City Manager is responsible for the maintenance and filing of the Minutes.

- 604.1** Written minutes will be retained as a permanent record in paper, on microfilm, or in a digital format.
- 604.2** All audio and video tape proceedings will be retained in accordance with the City's data retention schedule. Video and audio tapes may be viewed/heard at City Hall during normal business hours. Original video and audio tapes will not be loaned out. Copies may be obtained through the City.
- 604.3** Copies of tapes or minutes (verbatim) may be obtained from the City for a fee consisting of actual costs incurred (materials / labor).

605: A verbatim transcript request of all or any part of a meeting may be requested by a member of the general public. A fee for the transcript shall consist of the actual costs for preparing such transcript, e.g., hourly wage, fringe benefits, copying and mailing costs unless the City has, for its own purposes, previously prepared a verbatim transcript, in which case the individual requesting a copy of the transcript shall pay the City's standard photocopy charge.

SECTION 700: ROLES AT MEETING

- 701:** All meetings of the City Council shall comply with the Minnesota Open Meeting law which requires meetings (with few exceptions) of all municipal bodies to be open to the public. The City Council of Prior Lake encourages citizen attendance. Public attendance at meetings of the Council helps to develop a more enlightened, interested and participatory citizenry.
- 702:** Objections to recessing the regular meeting into Executive Session. Any individual desiring to object to the Council's adjournment into an executive session shall do so in the following manner. This process is included in the bylaws to give individuals or organizations standing without disruption of any regular meeting. Any comments made at a meeting that are ruled out of order by the presiding officer shall not appear in the minutes.
 - 702.1** The objection shall be made in writing providing the basis or legal authority for the objection, together with the name, address and phone number of the objector.
 - 702.2** The written objection must be tendered to the City Manager within one business day of the alleged violation.
- 703:** Any Councilmember may recognize a member of the public for the purpose of asking question(s) relating to the matter under consideration by the Council Members of the City Council must use judgment and discretion when recognizing members of the public to answer a question during the time they have the floor.
- 704:** Members of the Council may also ask questions of Staff in order to clarify their understanding of the relevant information necessary to make an informed judgment. In preparation for Council meetings, Councilmembers may want to consider contacting the City Manager, in sufficient time prior to the meeting, to advise the question they intend to ask in order for the City Manager to attempt to bring the additional information to the Council meeting.
- 705:** Members of the general public, interested parties or their authorized representatives may address the City Council by written communications in regard to matters under discussion. Written communications may be read aloud at the meeting at the discretion of the presiding officer, if so requested by the author or a member of the City Council. In any case, the written communication shall become part of the record. The communication(s) may be read by the

presiding officer or his/her designee. If the communication is lengthy, the presiding officer may summarize the content and advise that the full text of the communication will be part of the record and available to the public for review.

- 706:** The presiding officer has the same voting powers as do the Councilmembers. The presiding officer may vote whenever a vote is taken and he/she does not have any extra voting powers if the vote results in a tie, except as may be authorized by state statute.
- 707:** The Mayor shall be the presiding officer at all meetings. If the Mayor is absent, the Acting Mayor shall preside at the meeting. If in the event the Mayor and Acting Mayor are absent, the City Manager shall call the meeting to order and preside until such time the City Council elects among itself a member to preside at the meeting. The presiding officer, at all times, shall be allowed to vote in the same manner as all other Councilmembers.
- 708:** The presiding officer has two unique powers: (1) interpreting and applying the rules of procedure; and (2) recognizing speakers from the audience.
- 709:** The presiding officer is responsible for maintaining order at the meetings.
- 710:** The presiding officer shall recognize all speakers from the audience, except when a member of the Council has the floor and they expressly recognize a member of the audience to answer questions relating to the issue under consideration.
- 711:** The presiding officer has the responsibility to facilitate discussion by the City Council. This may occur in a variety of ways, including:
 - 711.1** Interpret and apply rules of procedure.
 - 711.2** Decide whether motions are properly made.
 - 711.3** Decide whether motions are in order.
 - 711.4** Decide whether questions of special privilege ought to be granted.
 - 711.5** Decide when to recognize speakers.
 - 711.6** Call for motions or recommend motions.
 - 711.7** Expel disorderly persons from the meeting.
 - 711.8** Enforce speaking procedures.
- 712:** One member of the Council shall serve as Acting Mayor elected by the Council at the Annual Meeting. The Acting Mayor shall preside at all meetings when the Mayor is absent from the meeting assuming responsibilities as set forth above. In the absence from the City or disability of the Mayor, or where the Mayor is known to be unreachable and there is an urgency to executing the document, the Acting Mayor may execute documents on behalf of the City.
- 713:** All members of the City Council may make and second motions, participate in discussions and vote whenever a vote is taken.
- 714:** As individuals, Councilmembers have no administrative authority. When acting as a Council, however, the legislative body has authority over the appointed City Manager.
- 715:** The City Manager shall attend all meetings of the City Council with the right to take part in the discussions, but not to vote. In the absence of the City Manager, the Assistant City Manager or designated department head shall serve as the City Manager's representative at the meeting.

- 716:** The Department Heads may attend all meetings. The Department Heads shall attend the meetings when directed by the City Manager.
- 717:** A memorandum report or brief explanation of each agenda item shall be included in the materials that accompany the agenda. The information provided by Staff should serve to inform the City Council on the subject matter under discussion. The information should explain in detail the Staff comments or work, or state that Staff will present the necessary details and comments at the meeting. If an agenda item requires more than a majority vote, the agenda report shall specify the votes needed to pass the matter under consideration.

**SECTION 800:
MOTIONS, RESOLUTIONS, ORDINANCES**

- 801:** The City Council may take formal action in any of three methods - motions, resolutions or ordinances. All motions in any form require a second unless otherwise stated below. All votes of the City Council in any of the three methods require a majority vote for approval unless otherwise specified below or prescribed by statute.
- 802:** **Motions:** A motion is a matter of parliamentary procedure. Motions are a formal method of bringing business before the Council and for stating propositions on which a decision will have to be made. It also can be used in the form of a proposal so that the City Council can act by resolution or by ordinance. Motions may be used to introduce resolutions and ordinances, to amend them, and to take any other actions concerning them. Motions may also be used for action on simple administrative acts, such as approving the monthly department reports.
- 803:** Every motion shall be stated in full and be reasonably understood, to the extent practical, before it is submitted to a vote by the presiding officer.
- 804:** **Resolutions:** Resolutions are normally used to reflect the City Council position on items of business that do not require or warrant an ordinance. Resolutions may be enacted on a motion which has been duly seconded, and received majority vote. The City Manager will maintain a record of all resolutions and will be responsible for the proper numbering and execution of each resolution adopted by the City Council.
- 804.1 Notwithstanding other instances where resolutions may be needed, resolutions are required to authorize the execution of any contract exceeding \$25,000 or as otherwise specified in the City's Purchasing Policy.
- 805:** **Ordinances:** An ordinance is a law governing or regulating some activity that is properly within the power of the Council to regulate. Ordinances shall be used when the City Council action regulates or governs people or property. All police regulations for public health, morals, economic well-being, welfare and safety must be passed in ordinance form. Ordinances may also be used to provide permanent rules for the organization and operation of the City Council. Ordinances may be enacted upon a motion and a second and must receive at least three favorable votes to be passed, unless a larger vote is required by State law or these Bylaws.
- 806:** An ordinance shall become effective upon passage and publication unless otherwise specified in the ordinance. Consistent with State Statute the Council may authorize publication of a summary of the ordinance rather than its full text. The Council, by motion,

must approve and authorize the proposed summary. Proof of publication shall be attached to and filed with every ordinance.

- 807:** All ordinances shall be reviewed by the City Attorney prior to presentation to the Council. The ordinance format includes: title; number; enacting clause; the contents or body; the penalty; the closing; the attestation, publication date and the effective date. The City Manager will maintain a record of all ordinances and will be responsible for the Prior Lake City Code and codification requirements. The Council may authorize the City Manager to contract for codification services.
- 808:** These Bylaws shall govern the procedures of the Prior Lake City Council immediately upon adoption. If an issue is raised which is not covered in the Bylaws, the procedures to respond to the issue shall be governed by Robert's Rules of Order Revised. Failure to comply with these Bylaws or Robert's Rules of Order shall not invalidate Council action unless at the time the action is taken or promptly thereafter a member of the Council raises a parliamentary objection and advises the Council of the particular rule which was not observed.

**SECTION 900:
PUBLIC HEARING FORMAT**

- 901:** Public Hearings shall be conducted in the following manner:
- 901.1** The presiding officer calls the Public Hearing to order and the City Manager notes the time of opening. It is the intent of the City Council to open all public hearings promptly at 7:30pm. From a practical standpoint not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the City Council. However in no circumstances can a hearing be opened prior to the predetermined and published time.
 - 901.2** The presiding officer shall read from the hearing notice the details on the hearing sufficient to provide the public a general understanding of the purpose of the hearing.
 - 901.3** The presiding officer announces the type of input to be received by the citizens - informal or formal including time limits, if any.
 - 901.4** Staff makes a presentation or report on the subject matter for the hearing.
 - 901.5** If applicable, the developer or consulting engineer makes a presentation or report on the subject matter.
 - 901.6** The presiding officer asks for citizen input, comments and questions.
 - 901.7** The City Council addresses the subject matter through deliberation, questions to citizens and Staff, and reactions and statement of position on the subject.
 - 901.8** The presiding officer requests a motion to close the public hearing and the Council votes on the motion. Once the vote is taken, the City Manager states the time the hearing is closed for the record.
 - 901.9** The City Council may continue a public hearing. If the City Council votes to continue the hearing, the presiding officer, in consultation with the City Manager and City

Council, shall select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date. However, no public hearing may be continued more than once without re-notice and publishing the time, date and location of the hearing.

901.10 The City Council may take action on the subject matter.

SECTION 1000: COMMITTEE STRUCTURE

1001: The existing Committees of the City Council and their regulatory provisions are as follows:

- 1001.1** Planning Advisory Commission: City Code
 - ◆ *The Planning Commission has been established by statutory authority and the structural composition and Commission rules are set forth in the City Code.*
- 1001.2** Park Advisory Committee: City Council adopted Bylaws.
- 1001.3** Lake Advisory Committee: City Council adopted Bylaws.

1002: Annually the City Council shall appoint a City Councilmember to be a liaison to a City board or commission. No Councilmember shall serve as a liaison to the same Board or Commission for more than one consecutive year. The Boards or Committees shall adopt bylaws to govern the conduct of the Committee. Their bylaws shall be forwarded to the City Council for its approval or amendment at its first meeting of each year. After the Council adopts the Committee's bylaws, the City Council on its own initiative may adopt further changes to a Committee's bylaws at any time; however, such amendments shall not take effect until sixty (60) days after their passage. At any time during the year, the Committee can propose amendments to its bylaws. The Council shall act on the proposed amendment.

1003: Vacancies in the City Council's Committees shall be filled in the following manner:

- 1003.1** Notice of vacancy is made public and interested individuals may be contacted and encouraged to consider the position.
- 1003.2** The City Manager and one City Councilmember who is the liaison to the committee, together with the Committee Chair (unless the appointment is the committee chair appointment or re-appointment) shall interview all candidates and make a recommendation to the full City Council. No person will sit on any committee charged with the selection of the successor for that person.
- 1003.3** The Councilmember who is liaison to the body shall present the recommendation to the City Council and the Council may accept or reject the recommendation. If they reject the recommendation, they shall appoint someone else or decide to reopen the vacancy to the public for new individuals.

1004: The City Council may establish advisory Committees from time to time to study, research, analyze and make recommendations on a particular issue or subject matter. The Committees shall be established through one of four means: provision in the Bylaws, motion, resolution or ordinance.

1005: The Committees shall consist of as many members and perform such duties as the City Council may require. Committees may only exercise those duties assigned to them by the

City Council (conduct investigations, make reports on facts, interview individuals). The Committees may not make decisions delegated to the City Council by statutory authority.

- 1006:** Annually, the Council shall meet with each committee/commission in a workshop to discuss goals and objectives, mutual concerns or questions and other business as appropriate. Meetings between the Council and committees/commissions may occur on a more frequent basis if needed.
- 1007:** The Council may from time to time establish special Council committees. By dividing their membership into several committees, a Council enables its members to devote time to a specific issue. Special committees appointed by the Council are established to deal with a single transaction or project. For example, the Council might appoint a special committee to study the advisability of purchasing land for a new park. The work of a special Council committee should be limited to special policy problems. Committees may exercise all duties which the Council has legally assigned to them. They can make recommendations to the Council, but may not make decisions on behalf of the Council. Committees are subject to the same rules as the full Council under the Open Meeting Law. The Council's final decision, not the committee's recommendation, binds the City.
- 1008: Other Commissions and Authorities.** There are certain authorities, committees and commissions where a Councilmember is appointed and serves as a representatives of the Prior Lake City Council. A Councilmember appointed to serve on a committee, commission or authority shall provide the City Council with quarterly reports on the activities of the committee, commission or authority. The Councilmember shall exercise judgment as to whether more frequent reporting is necessary.

SECTION 1100: SUSPENSION OF RULES

- 1101:** Such other rules that the City Council deems appropriate may be enacted. All matters of procedure not specified herein shall be governed by the City Code, State Statutes, or Federal Laws, whichever is applicable to the procedure in question. The rules herein may be suspended upon a motion, second and debate, and a 4/5 (80%) vote of the members for a specific meeting only.

SECTION 1200: REIMBURSEMENT FOR EXPENSES

- 1201:** The following regulations will govern all travel, mileage and meal reimbursement expenses in the conduct of official Council business:
- 1201.1** Reimbursement for meals and parking are intended to refund actual costs incurred. A receipt is required for reimbursement for each. No alcoholic beverage is eligible for reimbursement.
- 1201.2** Reimbursement for travel, other than mileage are intended to refund actual costs incurred. A receipt is required for reimbursements for airfare, lodging and any applicable registration fee. Reimbursements for taxis must be itemized as "from" and "to" when possible.

1201.3 Mileage reimbursements must be accompanied by an itemized listing of the date, and the purpose for the trip. Mileage rate will be consistent with the rate offered to City employees which is established according to the Federal Standards.

1201.4 Payment for any eligible reimbursable expenses shall be made after approval by the City Council of the invoices which contains the expenses itemized within. Councilmembers attending seminars or conferences at City expense are expected to provide the Council with a summary of the meeting.

1201.5 All expenses incurred by a Councilmember in connection with fulfilling their duties shall be reimbursable.

**SECTION 1300:
CODE OF ETHICS AND CONDUCT**

1301: Declaration of Policy: The proper operation of democratic government requires that the public has confidence in the integrity of its government. In recognition of this goal, there is hereby established a Code of Ethics and Conduct for public officials. The purpose of this Code is to establish ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interests of the City, and by directing disclosure by such officials of private, financial or other interest in matters affecting the City. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City.

1302: Ethics in Government: Minnesota Statutes, Chapter 10A, Ethics in Government, is incorporated herein by reference. This policy shall be construed and interpreted in consultation with the City Attorney according to Minnesota Statutes and case law.

1303: Gifts and Favors: No public official shall accept any valuable gift, favor or thing of value, regardless of amount whether in the form of money, service, loan, thing or promise from any person which to the official's knowledge is concerned, directly or indirectly in any manner whatsoever in business dealings with the City.

1304: Use of Equipment and Facilities; No public official shall request or permit the unauthorized use of City-owned vehicles, equipment, materials, property, labor or services for personal convenience or profit.

**SECTION 1400:
CITY COUNCIL RECOGNITION**

1401: Commendation and Censure: To the extent allowed by law, the City Council desires to encourage appropriate behavior and discourage inappropriate behavior among its members. The City Council, as a body, may by motion and a 4/5ths vote, commend or censure one of its own. If the act involves two members of the Council, a majority vote is required.

1401.1 Commendation: A member may receive public commendation for the exercise of positive leadership, community vision or other actions considered meritorious by the City Council.

1401.2 Censure: A member may receive a public admonishment for failure to conform with any provisions of these bylaws, state statute, violation of confidentiality or attorney-client privilege, or other acts considered to merit reprimand by the City Council.

APPENDIX A: TYPES OF MOTIONS AND PROCEDURES

The following motions will be available for use by the members:

1. Main Motion - An act to bring substantive proposals before the City Council for consideration and action. After the motion is stated and seconded, the subject of the motion may be deliberated and voted upon. Deliberation may take place by the Mayor, Council, Staff or the general public as long as the procedures for citizen input are followed pursuant to Section 7.B of these Bylaws.
2. Amend Main Motion - A main motion that is being deliberated and has not been voted upon may be changed or modified by a motion, a second, deliberation and a subsequent vote. The only motion that may be amended is the main motion.
3. Postpone Definitely Motion- A motion to put off consideration or discontinue discussion of any motion on the floor and that which established a definite time for the motion to be reconsidered. A motion to postpone definitely requires a second, deliberation and a subsequent vote.
4. Vote Immediately Motion (Previous Question) - A motion to prevent or stop deliberation on a pending motion and to bring the pending motion to an immediate vote. A motion to the "Previous Question" requires a second and a two-thirds majority vote to pass, however, no discussion is allowed on the motion. Two votes are required when a Previous Question motion is seconded. The first vote is to close the debate (requires two thirds majority vote) and, if that passes, the second vote is then on the original motion being deliberated prior to the Previous Question being called. If the close the debate motion fails, then deliberation on the original motion continues.
5. Substitute Motion: This is a motion which replaces the motion being considered with another motion on the same subject. A motion to substitute may be made for either a main motion or an amendment to a main motion. A substitute motion requires a motion and second. The Council then votes on the substitute motion and if that passes, the original motion dies. If the substitute motion fails, the deliberation on the original motion continues.
6. Withdraw a Motion: Any member of the City Council who has made an allowable motion has the authority to remove the motion from consideration by the total body. If a member desires to remove a motion that has been seconded, but not yet voted upon, the member who has seconded the motion must consent to the request of the member to remove the motion from consideration. If the motion has not been seconded, the member may remove the motion from consideration by his/her own request.
7. Division of Motion - A motion that is composed of two or more independent sections or ideas may be deliberated, considered and voted on separately. Each section or idea that is to be voted on separately must be acted upon through a separate motion, second, discussion and subsequent vote. Any member of the City Council may request a motion to be divided into two or more individual motions.
8. The presiding officer may rule on the eligibility of a motion which has been requested to be divided into two or more individual motions.
9. Privileged Motion: These motions do not relate to pending business, but have to do with special matters of immediate and overriding importance, which without any debate, shall be allowed to interrupt the consideration of anything else. These motions can be made at any

time, even if another motion is being considered at the time, and they must be settled or voted upon immediately. Motions to adjourn the meeting or take a recess cannot interrupt a speaker, while a motion on a question of privilege or point of vote can interrupt a speaker.

Privileged motions include:

- Point of Order- Whenever a member thinks that the rules of the City Council are being violated, he/she can make a Point of Order. Whenever a question of the order is called, the presiding officer shall make a ruling on whether the City Council rules have been violated. If a Point of Order is to be raised, it must be raised promptly at the time the violation occurs. This procedure does not require a second, is not debatable and can be used to interrupt a speaker.
 - Appeal Decision of Chair: The presiding officer will be called on to rule on questions of City Council procedure as set forth in these Bylaws. The decisions of the presiding officer may be appealed by the City Council. A statement of appeal constitutes a motion which, in turn, requires a second and the opportunity for discussion.
 - Motion to Reconsider: A motion to reconsider any action taken by the Council may be made at the meeting at which such action was taken or the regular meeting following.. Such motion must be made by one of the prevailing side, but may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. A motion for reconsideration requires only a majority vote regardless of the vote necessary to adopt the motion reconsidered.
1. Notwithstanding Robert's Rules of Order, a motion to "lay on the table" shall be debatable.