

Agenda

City of Minnetonka

Study Session

Monday, Feb. 3, 2020

6:30 p.m.

Council Chambers

1. Report from the City Manager
2. Dementia Friends Minnetonka – An ACT on Alzheimer’s Initiative
3. City Council Rules of Procedure
4. City Manager Annual Performance Evaluation; intent to close study session pursuant to Minnesota Statue § 13D.05, subd. 3(a)
5. Adjournment

The purpose of a study session is to allow the city council to discuss matters informally and in greater detail than permitted at formal council meetings. While all meetings of the council are open to the public, study session discussions are generally limited to the council, staff and consultants.

City Council Study Session Item #2 Meeting of Feb. 3, 2020

Brief Description: Dementia Friends Minnetonka – An ACT on Alzheimer’s Initiative

Background

In an effort to better understand how to be respectful, welcoming and supportive of those living with dementia, the City of Minnetonka, along with members of the Minnetonka Senior Advisory Board and other community members are working to make Minnetonka a dementia friendly community.

According to the Alzheimer’s Association, a dementia friendly community is defined as one that is informed, safe and respectful of individuals with dementia and their families, provides supportive options, and fosters quality of life.

To this end, the Minnetonka Senior Advisory Board formed a committee in 2016 comprised of board members and community members from the Ridgedale YMCA, Minnetonka Library and local businesses. Each member of the committee was certified as a “Dementia Friends Trainer,” which allowed the committee to train others in the community. To date, the group has offered 78 free trainings sessions to 1,047 members of the community, including eight City of Minnetonka departments.

Based on national statistics, approximately 1,000 Minnetonka residents are living with some level of dementia. A number of examples that demonstrate how dementia affects both residents and employees include:

- Individuals with dementia try to enroll in programming in which they have already enrolled.
- On average, the Minnetonka Police Department conducts two welfare checks per day, often involving aging adults living with dementia.
- City staff and residents often remain sedentary as they are caring for a family member with dementia.

Summary

Steve Pieh, senior services and activities manager, will present on the Dementia Friends Program. The goals for the study session are to share the progress of making Minnetonka a dementia-friendly community, learn about the Minnetonka Memory Cafes, and briefly walk through the training materials provided.

Discussion Question

- ***Does the city council have any questions or comments about the Dementia Friends Program?***

Submitted through:

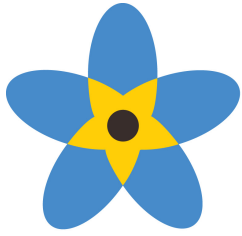
Geralyn Barone, City Manager
Kelly O’Dea, Recreation Services Director

Originated by:

Steve Pieh, Senior Services and Activities Manager

Attachment

Dementia Friend Minnesota Session Workbook



**Dementia
Friends
Minnesota**

An ACT on Alzheimer's Initiative

Information Session

People with dementia need to be understood and supported in their communities.

You can help by becoming a Dementia Friend.

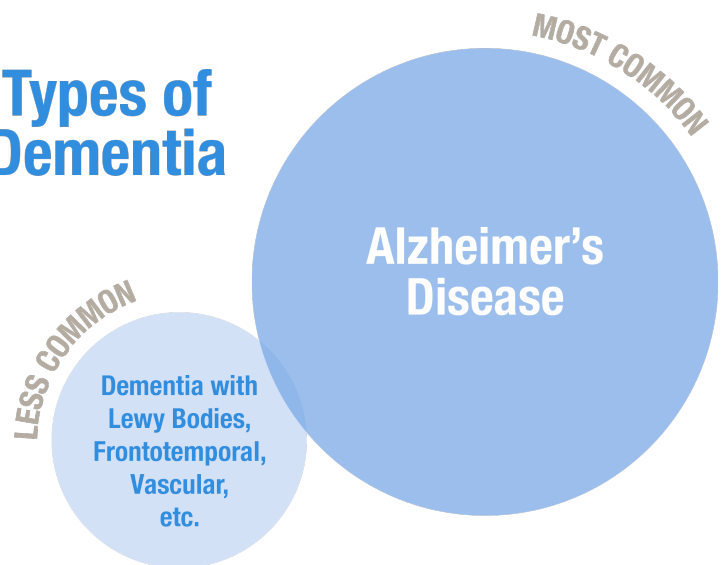
Visit www.actonalz.org/dementia-friends to learn more!

What is Dementia?

Dementia is not a specific disease. It's an overall term that describes a wide range of symptoms associated with a decline in memory or other thinking skills severe enough to reduce a person's ability to perform everyday activities.

Alzheimer's disease is the most common type of dementia and accounts for 60 to 80 percent of cases. Other types of dementia include Dementia with Lewy Bodies, Frontotemporal, and Vascular.

Types of Dementia



With permission of Dementia Friends, Alzheimer's Society, London UK

Alzheimer's Disease vs. Normal Aging

10 Early Signs and Symptoms	Normal Aging
1. Memory loss that disrupts daily life	Sometimes forgetting names or appointments but remembering them later
2. Challenges in planning or solving problems	Making occasional errors when balancing a checkbook
3. Difficulty completing familiar tasks at home, at work or at leisure	Needing occasional help to use the settings on a microwave or to record a TV show
4. Confusion with time or place	Confused about the day of the week but recalling it later
5. Trouble understanding visual images and spatial relationships	Vision changes related to cataracts
6. New problems with words in speaking or writing	Sometimes having trouble finding the right word
7. Misplacing things and losing the ability to retrace steps	Misplacing things from time to time and retracing steps to find them
8. Decreased or poor judgment	Making a bad decision once in awhile
9. Withdrawal from work or social activities	Sometimes feeling weary of work, family and social obligations
10. Changes in mood and personality	Developing very specific ways of doing things and becoming irritable when a routine is disrupted.

Source:

www.alz.org/10-signs-symptoms-alzheimers-dementia.asp

Broken Sentences Worksheet

Match the sentences in Column 1 to Column 2 by drawing a line from each sentence beginning to the corresponding sentence end. You should end up with five sentences that make sense and become five key messages about dementia!

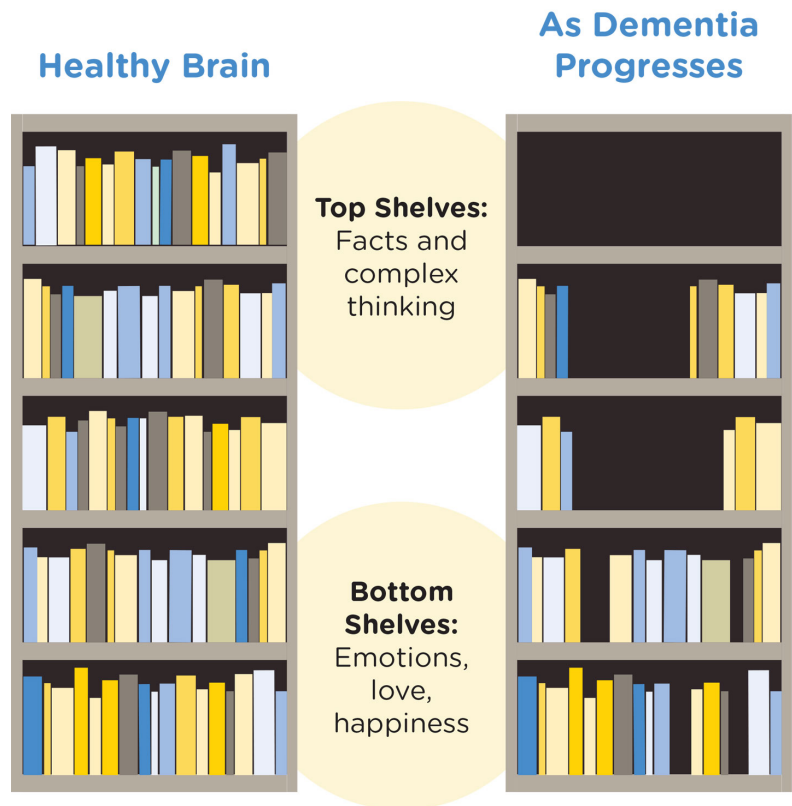
Column 1
1. Dementia is not ...
2. Dementia is caused by...
3. Dementia is not just...
4. It is possible to have a...
5. There's more to the person than...

Column 2
A. ...diseases of the brain.
B. ...the dementia.
C. ... good quality of life with dementia.
D. ... about having memory problems.
E. ...a normal part of aging.

Bookcase Story

Imagine a 70-year-old woman who has dementia. Now imagine there is a full bookcase beside her. Each book inside the bookcase represents one of her skills or memories.

On the top shelves are her memories of facts and her skill for thinking in complex or complicated ways. For people with dementia, the top or outer part of the brain is damaged first. Skills like math, using language and keeping one's behavior in check are in this part of the brain. In our bookcase story, these skills are also books on the top shelves.



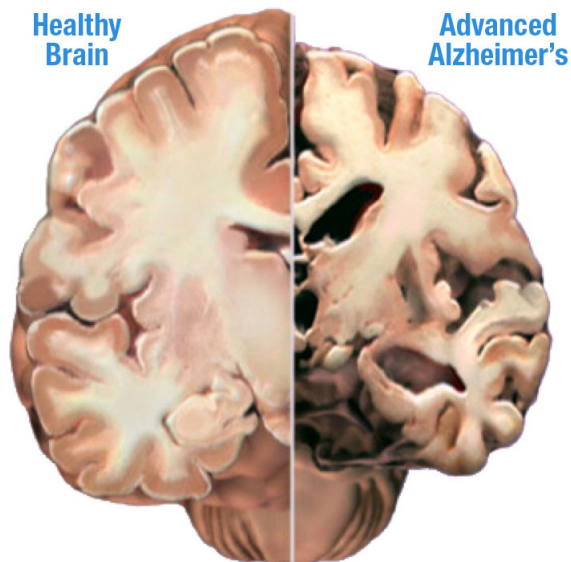
When dementia rocks the woman's bookcase, the books on the top shelf begin to fall out. The woman may not remember what she ate for breakfast, or that she has to pay for items at the drugstore or that someone came to visit this morning.

Emotions and feelings are lower down within the bookcase just like they are in the lower or inner part of the brain. This is the instinct area of the brain. Feelings like love, happiness, frustration and sensing respect reside here. As dementia continues to rock her bookcase, the books on these lower shelves stay for a much longer time.

The bookcase story helps explain different thinking skills and memories and the effects of dementia. Facts and complex thinking will fall away quickly. Emotions and feelings will remain longer.

Everyday Tasks

Write a step-by-step instruction list to complete a task you do daily or often. Make sure someone reading your list could follow the instructions successfully to complete the task.



Communication Practices

Consider these tips when communicating with a person with dementia.

Treat the person with dignity and respect. Avoid talking past the person as if he or she isn't there.

Be aware of your feelings. Your tone of voice may communicate your attitude. Use positive, friendly facial expressions.

Be patient and supportive. Let the person know that you are listening and trying to understand.

Offer comfort and reassurance. If the person is having trouble communicating, reassure them that it's okay and encourage the person to continue.

Avoid criticizing or correcting. Don't tell the person what was said was incorrect. Instead, listen and try to find the meaning in what is being said.

Avoid arguing. If the person says something you don't agree with, let it be. Arguing usually only makes things worse and often increases agitation for the person with dementia.

Offer a guess. If the person uses the wrong word or cannot find a word, try guessing the right word. If you understand what the person means, finding the right word may not be necessary.

Encourage nonverbal communication. If you don't understand what is being said, ask the person to point or gesture.

Conversation Tips

When approaching the person with dementia and starting a conversation:

- Come from the front, identify yourself, and keep good eye contact. If the person isn't standing, go down to eye level.
- Call the person by their preferred name to get his or her attention.
- Use short, simple phrases and repeat information as needed. Ask one question at a time.
- Speak slowly and clearly. Use a gentle and relaxed tone.
- Patiently wait for a response while the person takes time to process what you said.

During the conversation:

- Provide a statement rather than ask a question. For example, say "The bathroom is right here," instead of asking, "Do you need to use the bathroom?"
- Avoid vague statements about something you want the person to do. Speak directly: "Please come here. Your lunch is ready." Name an object or place. Rather than "Here it is," say "Here is your hat."
- Turn negatives into positives. Instead of saying, "Don't go there," say, "Let's go here."
- Give visual cues. Point or touch the item you want the person to use or begin the task yourself.
- Avoid quizzing statements like "Do you remember when?"
- Try using written notes or pictures as reminders if the person is able to understand them.

Five Key Messages

- Dementia is not a normal part of aging.
- Dementia is caused by diseases of the brain.
- Dementia is not just about having memory problems.
- It is possible to have a good quality of life with dementia.
- There's more to the person than the dementia.

Turn Your Understanding into Action

As a Dementia Friend, I will...

- _____ get in touch and stay in touch with someone I know living with dementia.
- _____ be patient.
- _____ be more understanding.
- _____ carry out this personal action:

Resources in Your Community

Alzheimer's Association MN/ND 24/7 Helpline serves people with memory loss, caregivers, health care professionals, general public, diverse populations, and concerned friends and family. Helpline provides referrals to local community programs and services, dementia-related education, crisis assistance and emotional support. 1-800-272-3900 or www.alz.org/mnnd

Senior LinkAge Line® provides information and assistance and connects people with resources in their community. 1-800-333-2433 or www.MinnesotaHelp.info®

**City Council Study Session Item #3
Meeting of Feb. 3, 2020**

Brief Description: City Council Rules of Procedure

Background

The city council has adopted City Council Rules of Procedure. The rules were last updated in April 2003. Periodic review of the rules is appropriate. With assistance from the city manager and assistant city manager, the city attorney recently completed a review of the rules and prepared proposed changes for the council's consideration. The purpose of the study session is to review the proposed changes and to provide further direction to city staff, before the revised rules are considered at a regular meeting.

The city charter provides that the city council must determine its own rules and order of business. The current rules, adopted in 2003, address the following topics: types of meetings that the council may conduct; procedures for preparing meeting agendas and supporting materials; the order of business of regular meetings; the duties of the presiding officer; rules of decorum and order; the manner for the public to address the council; motions; and voting procedures.

The existing rules of procedure are attached to this report. Also attached to the report is a document that notes the proposed changes to the rules and provides comments on each change. In general, the proposed changes fall into the following categories:

- The rules have been reorganized, so that they follow an order that mirrors the chronology of meetings. In the attached copy of the proposed rules, note that the reorganization changes are not shown with redlining, because doing so would have generated significant strike-outs and underscoring that would have made it more difficult to understand the changes. Instead, all organizational changes are noted in the comments column. For example, see the first comments under Section 2 and Section 3.
- In some cases, changes have been proposed so that the rules reflect current practice. For example, the order of business for council meetings has been revised to match the wording of the order of business as it appears on regular meeting agendas.
- Some changes have been proposed for clarification, to make the rules easier to follow and interpret.
- Potential changes, for council consideration. Those changes are noted in the comments column and are repeated in the discussion points below. To provide further context for the question regarding Rule 8.3:
 - In the absence of a rule, ordinance or statute that provides otherwise, the council could act by a majority of those present and voting. The current Rule 7.3 (renumbered as Rule 8.3 in the revised version) overrides that general rule by requiring a majority of the full council, regardless of the number actually present at the meeting. In operation, Rule 7.3 sets a minimum requirement of four votes on all council actions.

- A quorum of four is the minimum number who must be present at any meeting.
- If only four or five members were present at a meeting, the general rule (noted in the first sub-bullet above) would allow decisions to be made by a majority of three; the current rule changes that requirement to four votes.
- Under the current rule, the four-vote requirement applies to procedural issues (e.g., to table discussion of an item or to continue a meeting) as well as substantive issues. So, for example, assume that five members are present at a meeting that involves an application for a comprehensive plan amendment (requiring five votes under state law). Three members vote in favor and two vote against. If a motion were made to continue the item to the next meeting, when all members would be present, the two who opposed the motion could effectively deny the application by refusing to continue the item.
- Although it is unusual for a meeting to be attended by only four or five members, staff recommends that, at least with respect to procedural matters, the rule be revised to allow action to a majority of those present and voting.

Discussion Points

- ***Would the council like to remove “Approval of Minutes” from the order of business and instead approve minutes on the consent agenda? (See Rule 3.1)***
- ***Does the council want to retain the requirement that all actions of the council require a majority of all members of the council, regardless of whether they are present? (See Rule 8.3)***
- ***Are there other changes to the rules that the council would like to discuss?***

Summary

Staff requests that the council provide direction on changes to the City Council Rules of Procedure. Formal adoption of the changes would be scheduled for an upcoming regular city council meeting.

Submitted through:

Geralyn Barone, City Manager
Mike Funk, Assistant City Manager

Originated by:

Corrine Heine, City Attorney



CITY COUNCIL RULES OF PROCEDURE

Updated April 2003

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PURPOSE

The purpose of these rules is to provide guidelines for the conduct of the public business by or on behalf of the City Council. Non-compliance with or violation of any provision will not affect the validity of any action taken, unless otherwise specifically provided by law.

1. MEETINGS

1.1 Regular Meetings

The city council of the City of Minnetonka will hold meetings in the council chambers of the community center, 14600 Minnetonka Boulevard, Minnetonka, Minnesota, according to a schedule adopted annually by resolution no later than the first official meeting held in each year. No meeting will be held on a legal holiday, but a regular meeting may be held at the same hour on the next succeeding day that is not a holiday.

1.2 Adjourned Meetings

Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

1.3 Special Meetings

Special meetings may be called by the mayor or any three members of the council, upon at least three days written notice to each member of the council. Notice must be delivered in person or electronically or faxed to each member.

1.4 Emergency Meetings

Emergency meetings may only be called by the mayor or any three members of the council upon at least four hours notice to each member of the council either in writing or by telephone.

1.5 Study Sessions

Members of the council will meet in study sessions according to the annual meeting schedule adopted by the council.

1.6 Notice of Meetings

Notice of all regular meetings, regular study sessions, and special and emergency meetings must be consistently posted in a location designated by the city clerk.

1.7 Cancellation of Meetings

Meetings may be canceled by the mayor because of insufficient agenda items, lack of a quorum, inclement weather, and/or other similar reasons. Except for inclement weather and other emergency situations, council members must be notified in writing

delivered to their homes, by electronic message, or by telephone at least four hours in advance. The mayor may not cancel two or more consecutive meetings without the concurrence of a majority of the full council, except in situations of inclement weather or other emergency.

1.8 Quorum

A majority of the council, excluding vacant seats, is sufficient to do business. A majority is more than half. For the purposes of these rules, a vacant seat is a position on the council that is currently unfilled; it does not mean a seat whose incumbent is merely absent.

1.9 Meetings to be Public

Study sessions and all regular, adjourned, special or emergency city council meetings must be open to the public, except that the council may hold executive sessions from which the public is excluded when permitted by state law. A decision to hold a closed session must be made upon a motion to that effect, approved by at least a majority of the council.

2. ORDER OF BUSINESS

2.1 Agenda

The order of business of each meeting will be as contained in the agenda prepared by the city manager. The agenda will be a listing of subject which will be taken up for consideration in the following order:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Special Matters
- Report from the City Manager
- Citizens Wishing to Discuss Matters not on the Agenda
- Bids and Purchases
- Consent Agenda
- Introduction of Ordinances
- Public Hearings and Related Matters
- Other Business
- Appointments
- Adjournment

2.2 Items Out of Order

With majority consent of the council, the mayor may at any time allow an item to be considered out of the regular agenda order.

2.3 Delivery of the Agenda

The agenda will ordinarily be delivered in person or electronically to council members each Friday before the Monday meeting to which it pertains.

The agenda and all supporting material not of a confidential nature will also be available to the general public at the time it is delivered to the city council.

2.4 Roll Call

Before proceeding with the business of the council, the city clerk or designee will call the roll of the council members and record their attendance in the minutes. The order of roll call will rotate with each council member being called first every sixth meeting. The mayor will always be called last.

Council members will be noted in the minutes as being excused if they advised the city manager within a reasonable time in advance of their impending absence.

2.5 Public Hearings

Generally, public hearings will be conducted in the following order:

- Introduction of item
- Staff report and recommendation
- Questions of staff by council
- Opening of the hearing by the mayor
- Comments by applicant
- Comments by the audience
- Closing of the hearing
- Questions by council
- Discussion by council
- Action by council

2.6 Public Comments

Questions or comments from the public will be limited to the subject under consideration. Depending upon the extent of the agenda and the number of persons desiring to speak on an issue, the mayor may limit the time available for public comment.

Any person may address the council on any subject pertaining to city business not listed on the agenda during the time set aside for those comments. The mayor may limit the time available to each person addressing the Council.

2.7 Consent Agenda

Routine and non-controversial items will be placed on the consent agenda. These items may be approved by one blanket motion upon unanimous consent. A council member or member of the audience may request that an item be withdrawn for separate consideration. However, a council member may abstain from voting on, or vote against, any consent agenda item without requesting its removal. Abstentions will be recorded in the minutes.

2.8 Introduction of Ordinances

An ordinance must be considered by the city council at two regular meetings before adoption. At the first meeting, the ordinance is introduced. The city council may discuss and/or refer the ordinance to an advisory board for review and public comment. The ordinance will be placed on a second regular meeting agenda for adoption.

2.9 Agenda Amendments

Once the city manager has formalized and transmitted the agenda to the city council along with accompanying material, no items will be added or deleted before the council meeting. A majority of the council may amend the agenda during "Approval of the Agenda," except that an item may not be added to the agenda of a special or emergency meeting if the item was not included in the notice for the meeting.

2.10 Deadline for Agenda Items

No item will be placed on a city council agenda unless the request has been made to the city manager by the second Friday preceding the meeting at which consideration is requested. The city manager may choose not to schedule items for a particular meeting when, in his or her opinion, other business to be considered at that meeting will likely consume the available time.

2.11 Presentation by Members of the Council

The mayor or a council member may bring before the council any new business under the "Report from the City Manager" portion of the agenda. Formal action on these matters will be deferred until a subsequent council meeting.

3. PRESIDING OFFICER

3.1 Presiding Officer

The mayor is the presiding officer at all meetings of the council. In the absence of the mayor, the acting mayor will preside. In the absence of both the mayor and acting mayor, the alternate acting mayor will preside. At its first regular meeting in January, the council, by a majority vote, will designate an acting mayor and an alternate acting mayor. A reference to the mayor in these rules also means the acting mayor, the alternate acting mayor, or other council member if the person is serving as the presiding officer in place of the mayor.

3.2 Call to Order

The Mayor will call the council meeting to order. In the absence of the mayor, the acting mayor, and the alternate acting mayor, the meeting will be called to order by the city manager who will immediately call for the selection of a temporary presiding officer.

3.3 Participation of Mayor

The mayor may move, second, and debate from the chair, subject only to the same limitations of debate imposed on all Council members. He or she is not deprived of any rights and privileges of a council member by reason of acting as presiding officer. However, the mayor is primarily responsible for the conduct of the meeting. If he or she desires to personally engage in extended debate on questions before the council, he or she should consider turning the chair over to another member.

3.4 Question to be Stated

The mayor must verbally restate each question immediately prior to calling for the vote, upon request from any council member. Following the vote, the mayor will verbally announce whether the question carried or was defeated. The mayor will also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

3.5 Maintenance of Order

The mayor is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the mayor. All questions and remarks must be addressed to the mayor, or through the mayor to the appropriate council member, staff member, citizen, or representative.

3.6 Powers

The mayor has the following powers:

- (a) to rule motions in or out of order, including any motion obviously offered for obstructive or dilatory purposes;
- (b) to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- (c) to entertain and answer questions of parliamentary law or procedure;
- (d) to call a brief recess at any time; and
- (e) to adjourn in an emergency.

A decision under (a), (b), or (c) may be appealed to the council upon motion of any member. This motion is in order only immediately after the challenged decision is announced. The member making the motion need not be recognized by the mayor, and the motion may not be ruled out of order if it is made timely.

4. RULES, DECORUM, AND ORDER

4.1 Points of Order

The mayor will determine all points of order subject to the right of any member to appeal to the council. If any appeal is taken, the question will be, "Should the decision of the mayor be sustained?" A majority vote will govern and conclusively determine the question of order.

4.2 Decorum and Order – Council Members

- a) A council member desiring to speak must address the mayor and upon recognition, must address only the question under debate.
- b) A council member desiring to question the staff must address the question to the city manager or city attorney, in appropriate cases, who will respond to the inquiry or designate a staff member to do so.
- c) A council member, once recognized, may be interrupted while speaking only if called to order by the mayor, a point of order is raised by another council member, or the speaker chooses to yield to questions from another council member.
- d) A council member called to order while speaking must cease speaking immediately until the question of order is determined. If ruled to be in order, he or she may proceed. If ruled to be not in order, he or she must remain silent or alter his or her remarks so as to comply with rules of the council.

- e) Council members must accord courtesy to each other, to city employees and to the public appearing before the council and must refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.
- f) A council member may move to require the mayor to enforce the rules. Upon the affirmative vote of a majority of the council, the mayor must do so.

4.3 Decorum and Order – Employees

Staff members must observe the same rules of procedure and decorum applicable to members of the council. The city manager must ensure that they observe such decorum. Any staff member, including the city manager, desiring to address the council or members of the public must first be recognized by the mayor. All remarks must be addressed to or through the mayor.

4.4 Decorum and Order – Public

Members of the public attending council meetings must observe the same rules of order and decorum applicable to the council. The mayor may order the removal of any person who makes inappropriate remarks or who becomes boisterous while addressing the council and bar that person from further audience with the council.

4.5 Enforcement of Decorum

The city manager must carry out the orders and instruction of the mayor for maintaining order and decorum in the council chambers.

4.6 Personal Privilege

The right of a member to address the council on a question of personal privilege is limited to cases in which his or her integrity, character, or motives are questioned or impugned.

4.7 Conflict of Interest

Any council member prevented from voting because of a conflict of interest, must refrain from debate and voting. That council member may choose to leave the council chambers during debate and voting on the Issue.

4.8 Limitation of Debate

A council member normally should speak only once on a subject until every other member choosing to speak has done so.

4.9 Dissents and Protests

A council member has the right to express dissent from or to protest any action of the council. A council member wishing to have the dissent or protest entered in the minutes should state so with language such as “I would like the minutes to show that I am opposed to this action for the following reasons:”

4.10 Procedures in Absence of Rules

In the absence of a rule to govern a point or procedure, Robert’s Rules of Order, Newly Revised, should be used as a guide.

4.11 Rulings of Mayor Final Unless Overruled

The mayor will decide all questions or interpretation of these rules, point of order or other questions of procedure, requiring ruling. Unless overridden or suspended by a majority vote of the Council members present and voting, a ruling is final and binding for purposes of the matter under consideration.

4.12 Amendment of Rules

These rules may be amended at any regular meeting or at a special meeting that includes amendment of the rules as one of the stated items to be considered. Adoption of an amendment requires an affirmative vote equal to at least two-thirds of all the actual membership of the council, excluding vacant seats.

5. ADDRESSING THE COUNCIL

5.1 Manner of Addressing the Council

A member of the public desiring to address the council must proceed to the podium and wait to be recognized by the mayor. After being recognized, he or she must state his or her name and address for the record.

All remarks and questions must be addressed to the mayor and not to an individual council member, staff member or other person. During a public hearing, all remarks must be limited to the subject under consideration. No person may enter into any discussion without being recognized by the mayor.

5.2 Addressing the Council after Motion is Made

After a motion has been made, or after a public hearing has been closed, no person may address the council without first securing permission from the mayor.

5.3 Limitations Regarding Public Comments and Reports

The mayor may limit or rule out of order a speaker who addresses the council on a topic that is currently before, or about to be submitted for consideration by, a city

commission, board or other agency. If an appeal procedure is or was available, the mayor may not allow oral communication to the council outside that procedure. This rule is intended to ensure that a matter follows the appropriate process and that discussion takes place in the proper forum.

5.4 Written Correspondence

The city manager is authorized to open and attend to all mail addressed to the mayor or council not marked "personal" and that appears to relate to city business. All administrative business in those communications that does not require council action may be disposed of between council meetings. A copy of any communication to the council must be sent to each council member weekly. Correspondence to the mayor or individual members not of general interest to the council should be forwarded to the person addressed.

A communication delivered to city hall relating to a matter pending, or to be brought before city council, must be included in the agenda packet for the meeting at which the item is to be considered. Letters of appeal from administrative or commission decisions must be processed under applicable ordinance provisions.

6. MOTIONS

6.1 Motions Out of Order

A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending.

6.2 Division of Question

If the question contains two or more propositions, the mayor may, and upon request of a member must, divide the same.

6.3 Withdrawal of Motions

A motion may not be withdrawn by the mover without the consent of the person seconding it.

6.4 Precedence of Motions

When a motion is before the council, only procedural motions may be considered, in order of priority listed below. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote of the full council for adoption.

6.5 Motion to Adjourn (not debatable)

A motion to adjourn is in order at any time except:

- a) when made as an interruption of a member while speaking;

- b) when discussion has ended, and vote on a motion is pending; and
- c) while a vote is being taken.

6.6 Motion to Fix Hour of Adjournment

Unless otherwise agreed by at least a majority of the council, all meetings and study sessions of the council must be adjourned by 12:00 a.m. A motion to set a different, specific time at which to adjourn, is not debatable and not subject to amendment except by unanimous vote.

6.7 Motion to Suspend the Rules

A motion to suspend provisions of these rules may be approved only by a vote equal to at least two-thirds of the actual membership of the council, excluding any vacant seats.

6.8 Motion to Table

A motion to table is not debatable and precludes all amendments or debate of the subject under consideration. If the motion prevails, the matter may be “taken from the table” at any time prior to the end of the next regular meeting, unless the motion is to either table indefinitely or to a date certain. If the motion is to table indefinitely, the matter may not be rescheduled without at least majority approval of the council.

6.9 Motion to Limit or Terminate Discussion

A motion to limit or terminate discussion may be used to limit or close debate on, or prohibit further amendment to, the pending motion. It is not debatable. If the motion fails, debate must be reopened; if the motion passes, a vote must be taken on the pending motion.

6.10 Motion to Amend

A motion to amend is debatable only as to amendment. A motion to amend an amendment is in order, but a motion to amend an amendment to an amendment is not in order. An amendment modifying the intention of a motion is in order, but an amendment relating to a different matter is not in order. A substitute motion on the same subject is acceptable, and voted on before a vote on the amendment. Amendments must be voted first, then the main motion as amended.

6.11 Motion to Continue

Motions to continue to a definite time are amendable and debatable as to propriety and time set.

6.12 Motion to Reconsider

A motion to reconsider action already taken must be made by a member who voted with the prevailing side, which is the majority side except that in the case of a tie, the “no’s” prevail. The motion must be at the meeting during which the original vote was taken, including any continuation of that meeting. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment. If a motion to reconsider is adopted, the prior action taken by the council is rescinded, and the matter is returned to the status that it had immediately before the prior vote was taken. The motion previously voted upon will once again be pending.

6.13 Motion to Rescind or Repeal

A motion to rescind or repeal action previously taken is appropriate when the time for reconsideration has expired. A motion is not in order if rescission or repeal of an action is forbidden by law. If a motion to rescind or repeal fails, no motion to rescind or repeal the same action is in order until 12 months have elapsed after the failed motion.

7. VOTING PROCEDURE

7.1 Voting Procedure

The vote on each motion will be taken by roll call and entered in the minutes. The order of voting will be rotated each meeting with the mayor voting last. The clerk will call the names of members seated. Members will respond "yes," "no," or "abstain."

7.2 Failure to Vote

Every council member must vote unless disqualified for cause.

7.3 Adoption by Majority Vote

Unless state laws, city ordinances, or these rules require a larger number of votes, council motions must be adopted by a majority of all members of the council then holding office who are able to vote on the matter, whether or not they are in attendance.

7.4 Failure to Achieve Required Votes

A matter that fails to achieve the required number of votes for passage, including a tie vote, is deemed denied. The council members voting in opposition must state their reasons for the record. A matter is not deemed denied if the council continues the matter to another council meeting, by a motion adopted by the same number of votes needed for passage of the matter.



CITY COUNCIL

RULES OF PROCEDURE

Updated ~~April 2003~~ 2020

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Update table after content is approved

RULES OF PROCEDURE	COMMENT ON CHANGES
<p style="text-align: center;">PURPOSE</p> <p>The purpose of these rules is to provide guidelines for the conduct of the public business by or on behalf of the City Council. Non-compliance with or violation of any provision will not affect the validity of any action taken, unless otherwise specifically provided by law.</p> <p>1. MEETINGS</p> <p>1.1 Regular Meetings</p> <p>The city council of the City of Minnetonka will hold meetings in the council chambers of the community center, 14600 Minnetonka Boulevard, Minnetonka, Minnesota, according to a schedule adopted annually by resolution no later than the first official meeting held in each year. No meeting will be held on a legal holiday, but a regular meeting may be held at the same hour on the next succeeding day that is not a holiday.</p> <p>1.2 Adjourned Meetings</p> <p>Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.</p> <p>1.3 Special Meetings</p> <p>Special meetings may be called by the mayor or any three members of the council, upon at least three days written notice to each member of the council. Notice must be delivered in person or electronically or faxed to each member.</p> <p>1.4 Emergency Meetings</p> <p>Emergency meetings may only be called by the mayor or any three members of the council upon at least four hours notice to each member of the council either in writing or by telephone.</p> <p>1.5 Study Sessions</p> <p>Members of the council will meet in study sessions according to the annual meeting schedule adopted by the council. <u>The purpose of a study session is to give the city council and city staff the opportunity to study and discuss policy matters in greater detail in a less formal environment than a regular meeting. The council may provide direction to staff but does not take formal</u></p>	<p>Deleted as outdated</p> <p>Description of study session added, consistent with current practice.</p>

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<p><u>action on business matters at study sessions. Individual council members may propose agenda items for future meetings at a study session, and the council may provide direction to the city staff regarding scheduling such matters. Public comment will not be allowed except as determined appropriate by the mayor.</u></p> <p>1.6 Notice of Meetings Notice of all regular meetings, regular study sessions, and special and emergency meetings must be consistently posted in a location designated by the city clerk.</p> <p>1.7 Cancellation of Meetings Meetings may be canceled by the mayor because of insufficient agenda items, lack of a quorum, inclement weather, and/or other similar reasons. Except for inclement weather and other emergency situations, council members must be notified in writing delivered to their homes, by electronic message, or by telephone at least four hours in advance. The mayor may not cancel two or more consecutive meetings without the concurrence of a majority of <u>all the full</u> council members, except in situations of inclement weather or other emergency.</p> <p>1.8 Quorum A majority of the council, excluding vacant seats, is sufficient to do business. A majority is more than half. For the purposes of these rules, a vacant seat is a position on the council that is currently unfilled; it does not mean a seat whose incumbent is merely absent.</p> <p>1.9 Meetings to be Public Study sessions and all regular, <u>continuedadjourned</u>, special or emergency city council meetings must be open to the public, except that the council may hold executive sessions from which the public is excluded when permitted by state law. A decision to hold a closed session must be made upon a motion to that effect, approved by at least a <u>majority of the council</u>.</p>	<p>Wording change for clarity</p> <p>Wording change for clarity</p> <p>Note: if Rule 8.3 below is changed, the reference to “majority of the council” will need to be changed here, for consistency.</p>
<p>2. AGENDA PREPARATION</p> <p>2.1 Deadline for Agenda Items</p>	<p>This Rule 2 is a new section of the rules, but it is comprised of paragraphs previously found under the Order of</p>

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<p><u>Unless approved by the city manager, n</u>No item will be placed on a city council agenda unless the request has been made to the city manager by the second Friday preceding the meeting at which consideration is requested. The city manager may choose not to schedule items for a particular meeting when, in his or her opinion, other business to be considered at that meeting will likely consume the available time. <u>This rule does not preclude amendment of the agenda as provided in Rule 3.4.</u></p> <p>2.2 Delivery of the Agenda</p> <p>The agenda will ordinarily be delivered in person or electronically to council members <u>by the each</u>–Friday before the Monday meeting to which it pertains.</p> <p>The agenda and all supporting material <u>classified as public not of a confidential nature</u> will also be available to the general public <u>within a reasonable at the</u>–time <u>after</u> it is delivered to the city council.</p>	<p>Business section (old Rules 2.3 and 2.10). Both paragraphs relate to pre-meeting preparation, not the conduct of business during a meeting – which is why the new Rule was created.</p> <p>Change for clarity of rule interpretation</p> <p>Current practice is delivery by Thursday, but this rule allows latitude for unexpected delays.</p> <p>Change to conform terminology to state law.</p> <p>Change to reflect current practice – posting to website takes additional time after delivery to council.</p>
<p>3. ORDER OF BUSINESS</p> <p>3.1 Agenda</p> <p>The order of business of each meeting will be as contained in the agenda prepared by the city manager. The agenda will be a listing of subjects which will be taken up for consideration. <u>For regular meetings, the agenda will be organized</u> in the following order:</p> <ul style="list-style-type: none"> Call to Order Pledge of Allegiance Roll Call Approval of Agenda Approval of Minutes Special Matters Reports from the City Manager <u>and Council Members</u> Citizens Wishing to Discuss Matters not on the Agenda Bids and Purchases Consent Agenda – Items Requiring Four Votes <u>Consent Agenda – Items Requiring</u> 	<p>This was Rule 2 in the old rules. Paragraphs have been re-arranged to follow the order of the meeting, so numbering of paragraphs will not match the old rules.</p> <p>The order that is listed is only used for regular meetings.</p> <p>Question for council: would council like to approve minutes on consent agenda?</p> <p>Change to conform to current practice.</p> <p>If Rule 8.3 is changed, this should be changed to “Majority Vote.”</p> <p>“Supermajority” is more accurate than</p>

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<p><u>Supermajority Vote</u></p> <p>Introduction of Ordinances</p> <p>Public Hearings and Related Matters</p> <p>Other Business</p> <p>Appointments</p> <p>Adjournment</p>	<p>“Five Votes.” E.g., with one seat vacant, a 2/3rds majority requirement is only 4 votes.</p>
<p>3.2 Items Out of Order</p> <p>With majority consent of the council, the mayor may at any time allow an item to be considered out of the regular agenda order.</p>	
<p>3.3 Roll Call</p> <p>Before proceeding with the business of the council, the city clerk or designee will call the roll of the council members and record their attendance in the minutes. The order of roll call will rotate with each council member being called first every sixth meeting. The mayor will always be called last.</p> <p>Council members will be noted in the minutes as being excused if they advised the city manager within a reasonable time in advance of their impending absence.</p>	
<p>3.4 Agenda Amendments</p> <p>Once the city manager has formalized and transmitted the agenda to the city council along with accompanying material, no items will be added or deleted before the council meeting. A majority of the council may amend the agenda during “Approval of the Agenda,” except that an item may not be added to the agenda of a special or emergency meeting if the item was not included in the notice for the meeting.</p>	
<p>3.5 <u>Reports from the City Manager and Council Presentation by Members of the Council</u></p> <p><u>The city manager may report on upcoming events or matters of interest. Council members may report on recent or upcoming events or matters of interest. The mayor or a council member may bring before the council any new business under the “Report from the City Manager” portion of the agenda. Formal action on</u></p>	<p>Reworded to match agenda item.</p> <p>Updated to describe current practice.</p>

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<p>these matters will be deferred until a subsequent council meeting.</p> <p>3.6 Public Comments</p> <p>Questions or comments from the public will be limited to the subject under consideration. Depending upon the extent of the agenda and the number of persons desiring to speak on an issue, the mayor may limit the time available for public comment.</p> <p><u>During “Citizens Wishing to Discuss Matters not on the Agenda,” Any any person may address the council on a matter that pertains any subject pertaining to city business and is not listed on the agenda during the time set aside for those comments. The mayor may limit the time available to each person addressing the Council.</u></p> <p><u>Members of the public also are allowed the opportunity to comment during public hearings. For matters on the agenda that are not public hearings, the mayor has discretion whether to allow public comment.</u></p> <p><u>All public comments ae subject to Rule 5.4 and Rule 6 of these Rules of Procedure.</u></p>	<p>This paragraph was moved to Rule 6, “Addressing the Council.”</p> <p>Revised for clarity.</p> <p>This sentence was moved to Rule 6.</p> <p>Updated to better distinguish between different opportunities for public comment.</p> <p>Updated for clarity in interpreting the rules.</p>
<p>3.7 Consent Agenda</p> <p>The city manager will place routine Routine and non-controversial items will be placed on the consent agenda. Except as noted below, theseThese items may be approved by one blanket motion upon unanimous consent of the council members present. A council member or member of the audience may request that an item be removed from the consent agenda withdrawn for separate consideration. However, a A council member may abstain from voting on, or vote against, any consent agenda item without requesting its removal. Abstentions will be recorded in the minutes.</p>	<p>Updated for clarity of language.</p> <p>Removed because all votes are recorded in the minutes; calling out one type of vote here creates potential confusion.</p>
<p>3.8 Introduction of Ordinances</p> <p><u>Except for emergency ordinances, an An ordinance must be considered by the city council at two regular meetings before adoption, and at least seven days must elapse between the two meetings.</u> At the first meeting, the ordinance is introduced. The city council may discuss and/or refer the ordinance to an advisory board for review and public comment. The ordinance will be placed on a second regular meeting agenda for</p>	<p>Clarified for consistency with city charter.</p>

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<p>adoption.</p> <p>3.9 Public Hearings</p> <p>Generally, public hearings will be conducted in the following order:</p> <ul style="list-style-type: none"> Introduction of item Staff report and recommendation Questions of staff by council Opening of the hearing by the mayor Comments by applicant Comments by the audience Closing of the hearing Questions by council Discussion by council Action by council 	<p>Revised to allow consideration at a special meeting.</p>
<p>4. PRESIDING OFFICER</p> <p>4.1 Presiding Officer</p> <p>The mayor is the presiding officer at all meetings of the council. In the absence of the mayor, the acting mayor will preside. In the absence of both the mayor and acting mayor, the alternate acting mayor will preside. At its first regular meeting in January, the council, by a majority vote, will designate an acting mayor and an alternate acting mayor. A reference to the mayor in these rules also means the acting mayor, the alternate acting mayor, or other council member if the person is serving as the presiding officer in place of the mayor.</p> <p>4.2 Call to Order</p> <p>The mayorMayer will call the council meeting to order. In the absence of the mayor, the acting mayor, and the alternate acting mayor, the meeting will be called to order by the city manager who will immediately call for the selection of a temporary presiding officer.</p> <p>4.3 Participation of Mayor</p> <p>The mayor may move, second, and debate from the chair, subject only to the same limitations of debate imposed on all councilCouncil members. He or she is not deprived of any rights and privileges of a council member by reason of acting as presiding officer. However, the mayor is primarily responsible for the</p>	<p>This was Rule 3 under the old rules.</p>

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<p>conduct of the meeting. If he or she desires to personally engage in extended debate on questions before the council, he or she should consider turning the chair over to another member.</p> <p>4.4 Question to be Stated</p> <p>The mayor must verbally restate each question immediately prior to calling for the vote, upon request from any council member. Following the vote, the mayor will verbally announce whether the question carried or was defeated. The mayor will also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.</p> <p>4.5 Maintenance of Order</p> <p>The mayor is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the mayor. All questions and remarks must be addressed to the mayor, or through the mayor to the appropriate council member, staff member, <u>or other person in attendance</u>citizen, or representative.</p> <p>4.6 Powers</p> <p>The mayor has the following powers:</p> <ul style="list-style-type: none"> (a) to rule motions in or out of order, including any motion obviously offered for obstructive or dilatory purposes; (b) to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground; (c) to entertain and answer questions of parliamentary law or procedure; (d) to call a brief recess at any time; and (e) to adjourn in an emergency. <p>A decision under (a), (b), or (c) may be appealed to the</p>	<p>Clarified language.</p>

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<p>council upon motion of any member. This motion is in order only immediately after the challenged decision is announced. The member making the motion need not be recognized by the mayor, and the motion may not be ruled out of order if it is made timely.</p>	
<p>5. RULES, DECORUM, AND ORDER</p> <p>5.1 Points of Order</p> <p>The mayor will determine all points of order subject to the right of any member to appeal to the council. If any appeal is taken, the question will be, "Should the decision of the mayor by sustained?" A majority vote will govern and conclusively determine the question of order.</p> <p>5.2 Decorum and Order – Council Members</p> <p>a) A council member desiring to speak must address the mayor and upon recognition, must address only the question under debate.</p> <p>b) A council member desiring to question the staff must address the question to the city manager or city attorney, in appropriate cases, who will respond to the inquiry or designate a staff member to do so.</p> <p>c) A council member, once recognized, may be interrupted while speaking only if called to order by the mayor, a point of order is raised by another council member, or the speaker chooses to yield to questions from another council member.</p> <p>d) A council member called to order while speaking must cease speaking immediately until the question of order is determined. If ruled to be in order, he or she may proceed. If ruled to be not in order, he or she must remain silent or alter his or her remarks so as to comply with rules of the council.</p> <p>e) Council members must accord courtesy to each other, to city employees and to the public appearing before the council and must refrain at all times from rude and derogatory remarks,</p>	<p>This was Rule 4 under the old rules.</p>

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<p>reflections as to integrity, abusive comments and statements as to motives and personalities.</p> <p>f) A council member may move to require the mayor to enforce the rules. Upon the affirmative vote of a majority of the council, the mayor must do so.</p> <p>5.3 Decorum and Order – Employees</p> <p>Staff members must observe the same rules of procedure and decorum applicable to members of the council. The city manager must ensure that they observe such decorum. Any staff member, including the city manager, desiring to address the council or members of the public must first be recognized by the mayor. All remarks must be addressed to or through the mayor.</p> <p>5.4 Decorum and Order – Public</p> <p>Members of the public attending council meetings must observe the same rules of order and decorum applicable to the council. The mayor may order the removal of any person who makes inappropriate remarks or who becomes boisterous while addressing the council and bar that person from further audience with the council.</p> <p>5.5 Enforcement of Decorum</p> <p>The city manager must carry out the orders and instruction of the mayor for maintaining order and decorum in the council chambers.</p> <p>5.6 Personal Privilege</p> <p>The right of a member to address the council on a question of personal privilege is limited to cases in which his or her integrity, character, or motives are questioned or impugned.</p> <p>5.7 Conflict of Interest</p> <p>Any council member prevented from voting because of a conflict of interest, must refrain from debate and voting. That council member may choose to leave the council chambers during debate and voting on the Issue.</p> <p>5.8 Limitation of Debate</p> <p>A council member normally should speak only once on a subject until every other member choosing to speak</p>	

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<p>has done so.</p> <p>5.9 Dissents and Protests</p> <p>A council member has the right to express dissent from or to protest any action of the council. A council member wishing to have the dissent or protest entered in the minutes should state so with language such as “I would like the minutes to show that I am opposed to this action for the following reasons:”</p> <p>5.10 Procedures in Absence of Rules</p> <p>In the absence of a rule to govern a point or procedure, Robert’s Rules of Order, Newly Revised, should be used as a guide.</p> <p>5.11 Rulings of Mayor Final Unless Overruled</p> <p>The mayor will decide all questions or interpretation of these rules, point of order or other questions of procedure, requiring ruling. Unless overridden or suspended by a majority vote of the Council members present and voting, a ruling is final and binding for purposes of the matter under consideration.</p>	
<p>6. ADDRESSING THE COUNCIL</p> <p>6.1 Manner of Addressing the Council</p> <p>A member of the public desiring to address the council must proceed to the podium and wait to be recognized by the mayor. After being recognized, he or she must state his or her name and address for the record.</p> <p>All remarks and questions must be addressed to the mayor and not to an individual council member, staff member or other person. <u>Except as allowed by Rule 3.6 for comments on matters not on the agenda, During a public hearing,</u> all remarks must be limited to the <u>agenda items subject</u> under consideration. No person may enter into any discussion without being recognized by the mayor.</p> <p>6.2 Addressing the Council after Motion is Made</p> <p>After a motion has been made, or after a public hearing has been closed, no person may address the council without first securing permission from the mayor.</p> <p>6.3 Limitations Regarding Public Comments and Reports</p> <p>The mayor may limit or rule out of order a speaker who addresses the council on a topic that is currently</p>	<p>This was Rule 5 under the old rules.</p> <p>Revised for clarity – applies to any comments, regardless of whether there is a public hearing.</p>

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<p>before, or about to be submitted for consideration by, a city commission, board or other agency. If an appeal procedure is or was available, the mayor may not allow oral communication to the council outside that procedure. This rule is intended to ensure that a matter follows the appropriate process and that discussion takes place in the proper forum.</p> <p><u>The mayor may establish reasonable limitations on public comment, including, but not limited to: limiting the total time available for public comment; establishing a per-speaker time limitation; and restricting speakers from speaking more than once. In establishing the time limits, the mayor may consider, among other things, the number of items on the agenda, the number of persons present desiring to speak on agenda items, and the number of previous meetings at which persons have had an opportunity to comment on the agenda item(s).</u></p> <p>6.4 Written Correspondence</p> <p>The city manager <u>or designee</u> is authorized to open and attend to all mail addressed to the mayor or council not marked “personal” and that appears to relate to city business. All administrative business in those communications that does not require council action may be disposed of between council meetings. A copy of any communication to the council must be sent to each council member weekly. Correspondence to the mayor or individual members not of general interest to the council should be forwarded to the person addressed.</p> <p>A communication delivered to city hall relating to a matter pending, or to be brought before city council, must be included in the agenda packet for the meeting at which the item is to be considered. Letters of appeal from administrative or commission decisions must be processed under applicable ordinance provisions.</p>	<p>Added to reflect current practice, consistent with First Amendment restrictions.</p> <p>Revised to reflect current practice.</p>
<p>7. MOTIONS</p>	<p>This was Rule 6 under the old rules.</p>

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<p>7.1 Motions Out of Order</p> <p>A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending.</p>	
<p>7.2 Division of Question</p> <p>If the question contains two or more propositions, the mayor may, and upon request of a member must, divide the same.</p>	
<p>7.3 Withdrawal of Motions</p> <p>A motion may not be withdrawn by the mover without the consent of the person seconding it.</p>	
<p>7.4 Precedence of Motions</p> <p>When a motion is before the council, only procedural motions may be considered, in order of priority listed below. Unless otherwise noted, each motion <u>listed below</u> is debatable, may be amended, and requires a majority vote of the full council for adoption.</p>	<p>Note: if Rule 8.3 is changed, this would also need to be changed.</p>
<p>7.5 Motion to Adjourn (not debatable)</p> <p>A motion to adjourn is in order at any time except:</p> <ul style="list-style-type: none"> a) when made as an interruption of a member while speaking; b) when discussion has ended, and vote on a motion is pending; and c) while a vote is being taken. 	
<p>7.6 Motion to Fix Hour of Adjournment</p> <p>Unless otherwise agreed by at least a majority of the council, all meetings and study sessions of the council must be adjourned by 12:00 midnight<u>a.m.</u>. A motion to set a different, specific time at which to adjourn, is not debatable and not subject to amendment except by unanimous vote <u>of those members present</u>.</p>	<p>Revised for clarity.</p> <p>Revised for clarity.</p>
<p>7.7 Motion to Suspend the Rules</p> <p>A motion to suspend provisions of these rules may be approved only by a vote equal to at least two-thirds of the actual membership of the council, excluding any vacant seats.</p>	
<p>7.8 Motion to Table</p> <p>A motion to table is not debatable and precludes all amendments or debate of the subject under consideration. If the motion prevails, the matter may be “taken from the table” at any time prior to the end of the</p>	

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<p>next regular meeting, unless the motion is to either table indefinitely or to a date certain. If the motion is to table indefinitely, the matter may not be rescheduled without at least majority approval of the council.</p>	
<p>7.9 Motion to Limit or Terminate Discussion</p> <p>A motion to limit or terminate discussion may be used to limit or close debate on, or prohibit further amendment to, the pending motion. It is not debatable. If the motion fails, debate must be reopened; if the motion passes, a vote must be taken on the pending motion.</p>	
<p>7.10 Motion to Amend</p> <p>A motion to amend is debatable only as to amendment. A motion to amend an amendment is in order, but a motion to amend an amendment to an amendment is not in order. An amendment modifying the intention of a motion is in order, but an amendment relating to a different matter is not in order. A substitute motion on the same subject is acceptable, and voted on before a vote on the amendment. Amendments must be voted first, then the main motion as amended.</p>	
<p>7.11 Motion to Continue</p> <p>Motions to continue to a definite time are amendable and debatable as to propriety and time set.</p>	
<p>7.12 Motion to Reconsider</p> <p>A motion to reconsider action already taken must be made by a member who voted with the prevailing side, which is the majority side except that in the case of a tie, the “no’s” prevail. The motion must be at the meeting during which the original vote was taken, including any continuation of that meeting. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment. If a motion to reconsider is adopted, the prior action taken by the council is rescinded, and the matter is returned to the status that it had immediately before the prior vote was taken. The motion previously voted upon will once again be pending.</p>	
<p>7.13 Motion to Rescind or Repeal</p> <p>A motion to rescind or repeal action previously taken is appropriate when the time for reconsideration has expired. A motion is not in order if rescission or repeal of an action is forbidden by law. If a motion to rescind or repeal fails, no motion to rescind or repeal the same</p>	

RULES OF PROCEDURE	COMMENT ON CHANGES
<p>action is in order until 12 months have elapsed after the failed motion.</p>	
<p>8. VOTING PROCEDURE</p> <p>8.1 Voting Procedure</p> <p>The vote on each motion will be taken by roll call and entered in the minutes. The order of voting will be rotated each meeting with the mayor voting last. The clerk will call the names of members seated. Members will respond "yes," "no," or "abstain."</p> <p>8.2 Failure to Vote</p> <p>Every council member <u>present</u> must vote unless disqualified for cause.</p> <p>8.3 Adoption by Majority Vote</p> <p>Unless state laws, city <u>charter, city</u> ordinances, or these rules require a <u>larger-different</u> number of votes, council motions must be adopted by a <u>majority of all members of the council then holding office who are able to vote on the matter, whether or not they are in attendance.</u></p> <p>8.4 Failure to Achieve Required Votes</p> <p>A matter that fails to achieve the required number of votes for passage, including a tie vote, is deemed denied. The council members voting in opposition must state their reasons for the record. A matter is not deemed denied if the council continues the matter to another council meeting, by a motion adopted by the same number of votes needed for passage of the matter.</p>	<p>This was Rule 7 under the old rules.</p> <p>Revised for clarity.</p> <p>Revised to incorporate city charter</p> <p>Question for council: state law would allow approval by a majority of those present and voting (which, due to the quorum requirement of 4, would never be less than 3 votes); does the council want to retain the 4-vote requirement for all matters, both substantive and procedural?</p> <p>The city attorney recommends this change; a supermajority vote on a procedural issue of this type creates unnecessary complications.</p>
<p>9. AMENDMENT OF RULES</p> <p>These rules may be amended at any regular meeting or at a special meeting that includes amendment of the rules as one of the stated items to be considered. Adoption of an amendment requires an affirmative vote equal to at least two-thirds of all members the actual membership of the council, excluding vacant seats.</p>	<p>This is a new Rule 9, but the language for this rule came from former Rule 4.11, under RULES, DECORUM AND ORDER. It was moved here for better organization of the rules.</p> <p>Reworded.</p>

**City Council Study Session Item #4
Meeting of Feb. 3, 2020**

Brief Description: City Manager Annual Performance Evaluation; intent to close study session pursuant to Minnesota Statute § 13D.05, subd. 3(a)

Background

On April 30, 2012, the City of Minnetonka entered into an Employment Agreement with GERALYN BARONE to become appointed city manager on June 1, 2012. The Employment Agreement requires the city council to conduct annual performance evaluations with the city manager in the same manner as other non-union employees.

Minnesota State Statute § 13D.05, subd. 3(a) allows a public body to close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing the regular portion of the meeting. However, state statute gives discretion to the employee to keep the meeting open. Ms. Barone has expressed her intent to keep the meeting closed.

This agenda item will take place during the closed portion of the regular study session. Therefore, it is appropriate the city council conduct the review, which includes goal setting, with the city manager during this time.

Minnesota State Statute § 13D.05, subd. 3(a) also requires the public body to summarize its conclusions regarding the evaluation at its next open meeting. The next open meeting is the regular council meeting scheduled for Monday, Feb. 10, 2019. The mayor will summarize the conclusions during the agenda item: 'Reports from City Manager & Council Members'.

Summary

The council is requested to close the regular meeting of the study session, pursuant to Minnesota State Statute § 13D.05, subd. 3(a), for the purpose of evaluating the performance of City Manager GERALYN BARONE for the evaluation period January 1, 2019 through December 31, 2019.

After the council agrees to close and immediately prior to going into closed session the mayor will need to announce the following two statements: 1.) that at the conclusion of the closed meeting no other regular business of the city will be discussed and that the study session is adjourned; and 2.) that he will summarize the conclusions of the performance evaluation at the February 10 regular council meeting.

Submitted through:
Brad Wiersum, Mayor

By: Mike Funk, Assistant City Manager