

PROPOSED AMENDMENTS TO APPENDIX B,
RULES AND REGULATIONS OF THE CITY COUNCIL

In the year Two Thousand Eleven.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City Council Rules Committee has considered and hereby recommends that the Rules & Regulations of the City Council, be amended as outlined below;

NOW, THEREFORE, BE IT RESOLVED that the Rules and Regulations of the City Council be and hereby are amended as follows:

Sec. 1. - Presiding officer.

The presiding officer of the city council shall be styled the president. The president shall be elected at a meeting held on the first Monday in April in each year at ~~7:30~~ 7:00 p.m. The first business transacted shall be the election of a president and such election shall be by a show of hands or upon request a roll call vote, unless determined by majority vote of the entire council that such election shall be by ballot. The chief administrative officer ~~city clerk~~ shall call the meeting to order and shall preside until a president is elected.

Sec. 1.A. - Purpose and organization of city council meetings.

The purpose of city council meetings is to conduct city business efficiently and effectively, while still allowing appropriate public input. The city council meetings should be structured to allow focused attention on agenda items. Meetings should be predictable in both the business addressed and length of meetings.

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38 **Sec. 2. - [Order of succession.]**

39 In the absence of the president, the ~~city clerk or assistant clerk~~ chief administrative officer shall,
40 and if the ~~clerk~~ chief administrative officer is not present any councilor may, call the ~~board~~
41 council to order. A temporary president shall be elected ~~and in the absence of the clerk a member~~
42 ~~may be elected temporary clerk.~~

43 **Sec. 3. - [~~Clerk~~ Chief administrative officer of the council; journal minutes.]**

44 The ~~city clerk~~ chief administrative officer or designee shall be clerk of the city council. ~~He and~~
45 shall keep ~~a~~ full and accurate journal minutes of the proceedings of the council. A copy of such
46 journal minutes shall be furnished to each councilor. ~~If errors or omissions are noted by any~~
47 ~~councilor they shall be called to the attention of the board not later than the second~~ The minutes
48 shall be presented to the Council for approval at the next meeting after such journal minutes shall
49 ~~have been distributed, otherwise, they shall stand approved as set forth in said journal.~~

50 **Sec. 4. - Committee assignments.**

51 (a) ~~At the first regular session following organization of the council~~ No later than the second
52 meeting following the election of the president, the president shall appoint standing committees
53 on licenses, ordinances, human resources, charter changes, community development and
54 neighborhood revitalization, ~~civil defense and~~ public safety, parking and transportation, energy
55 and utilities, waterfront parks, art & culture and tax abatements. The president shall appoint all
56 ~~special~~ ad hoc committees unless the council shall designate the members. The first person
57 named on a committee shall be its ~~chairman~~ unless the motion or resolution authorizing its
58 appointment shall designate the ~~chairman~~. All committees shall consist of at least three (3)
59 persons unless otherwise ordered by vote of the council. Any matter which has been assigned to
60 the jurisdiction of a standing or ~~special~~ ad hoc committee of the council shall not be taken up by

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64 the council until a report and recommendation is made by the committee unless either of the
65 following procedures occur:

66 (1) By a two-thirds (2/3) vote the council determines to take up a matter
67 notwithstanding its continuing pendency in a committee;

68 (2) A majority of the council votes to take the matter up at a council meeting which
69 will occur not sooner than one (1) week subsequent to such vote notwithstanding the matter's
70 continuing pendency in a committee; or

71 (3) Notwithstanding either of the above provisions, a matter may be taken up by the
72 full council upon passage of three (3) regular meetings.

73 Such standing committees shall annually prepare a written mission statement to be submitted at
74 the annual meeting of the city council, ~~and make a written report to the council at least once~~
75 ~~every three (3) months and give timely updates as needed to the council.~~ The city council chief
76 administrative officer shall designate which department or office of the city is to provide staffing
77 for such standing ~~committee~~ or ad hoc committees. Committee staffing shall be by a policy level
78 staff member who is able to participate in the committee's discussions and actively represent
79 proposals. However, the staff ~~assistant~~ shall not attempt to control debate or discussions at
80 committee meetings, but instead ~~should~~ assist the committee's work. Individual councilors and
81 committees shall not assign or request that significant assignments be carried out by city
82 departments without first receiving endorsement from the entire city council. All standing and
83 ad hoc committees shall provide a copy of minutes of their meetings to the City Council in a
84 timely manner.

85 (b) Ad hoc committees may also be established by the President or by a motion approved by
86 the city council. Ad hoc committees may be established for a particular purpose and shall exist

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90 for a specified duration, which duration may be extended by the city council. At least once every
91 three (3) months while an ad hoc committee is in effect, it will report to the city council with
92 respect to its activities. Ad hoc committees shall present a written report to the city council
93 which shall include the committee's recommendations upon completion of the committee's work.

94 **Sec. 5. - Place and date of meetings; quorum.**

95 (a) The ~~regular~~ meetings of the council shall be held ~~in such room in the city hall or~~
96 ~~elsewhere as the board of finance may recommend provided the council shall approve the choice~~
97 in Contois Auditorium or in any other location designated by the council The regular and
98 adjourned meetings shall be held on ~~the second Monday~~ Mondays of each month at 7:30 p.m. on
99 dates identified on a schedule proposed by the president and approved by the council, unless the
100 council ~~or the mayor~~ shall fix another date for the regular meeting of that month. A majority of
101 the whole council shall constitute a quorum, but a smaller number may adjourn and may compel
102 the attendance of absent members. Special meetings of the city council may be called at any time
103 by the mayor and shall be called by the chief administrative officer on petition signed by a
104 majority of the city council and filed with the chief administrative officer.

105 (b) The president in consultation with ~~and the city council's clerk~~ chief administrative officer
106 or designee shall coordinate in preparing prepare an agenda for each city council meeting. The
107 agenda ~~shall~~ may include preliminary time allotments for each agenda item, ~~assuming a starting~~
108 ~~time for the meeting at 7:00 p.m., the completion of~~ and all business to be conducted in open
109 session shall be completed by 10:30 p.m. ~~and the completion of the meeting by 11:00 p.m.~~ A
110 period of time shall be reserved for items which may be moved from the consent agenda to the
111 deliberative agenda. When the allotted time for an agenda item has been consumed, the president
112 ~~shall~~ may immediately call for a vote upon a disposing motion unless the council votes to extend

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116 the time for consideration of such item. With respect to the agenda items relating to general city
117 affairs, the mayor shall be allocated up to ten (10) minutes, the city council up to fifteen (15)
118 minutes, the public forum shall not exceed thirty (30) minutes unless otherwise extended by the
119 president and up to five (5) minutes shall be allocated for committee chairs, unless a longer time
120 is voted at a particular meeting. ~~No item may be presented to the city clerk for consideration at a~~
121 ~~city council meeting which does not contain a requested action date and an estimate of the~~
122 ~~amount of time which is required for the city council to deal with such proposed agenda item.~~
123 ~~The foregoing standards shall be subject to a motion to suspend the rules.~~

124 (c) Whenever meetings of the city council and the ~~liquor~~ local control commissioners are
125 scheduled for the same evening, the ~~liquor~~ local control commissioners will convene at 7:00 p.m.
126 a time designated by the president and conduct business until the earlier of 7:25, or when all
127 business is completed. At 7:25 7:30 p.m. the balance, if any, of the liquor control commissioners
128 if the business of the local control commission is not completed, the balance of the local control
129 commission meeting shall then be suspended until the completion of the public forum, after
130 which the liquor local control commissioners meeting shall be completed. The city council
131 meeting will then be reconvened and take up the business of the agenda.

132 (d) ~~All prepared committee agendas which reference a committee meeting shall be~~
133 ~~communicated to the city clerk and placed on the consent agenda of the next city council meeting~~
134 ~~if such meeting will occur before the committee meeting.~~

135 **Sec. 6. - [Duties of presiding officer.]**

136 The president or presiding officer shall preserve order and decorum and shall decide all
137 parliamentary questions subject to appeal. ~~He~~ The president shall put no questions to vote except

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142 upon motion of some member duly seconded. If any member questions the accuracy of the vote
143 as declared by the president, the ~~presiding officer~~ president shall ~~call for and declare the result of~~
144 ~~a standing vote~~ request a show of hands or a roll call vote. The president may call any member to
145 the chair for a period not to exceed a single session, and when out of the chair may participate in
146 debate. The primary role of the president shall be to run the city council meetings and not to be a
147 participant in the council's debate. The president shall pass the gavel to participate in debate
148 infrequently. Occasional comments by the president for the purpose of clarification and direction
149 of the meeting are permissible. The president shall make sure that all commentary remains on the
150 topic at hand. It shall be the responsibility of the president to limit all repetitious and cumulative
151 discussion and to insist that all questions from the city councilors and the public be directed
152 through the president. The president shall enforce parliamentary procedure and all time limits if
153 so specified on the agenda. The president is responsible for compliance with the rules of the
154 council. Any councilor not in compliance shall be notified by the president. Continued non-
155 compliance will be brought to the attention of the full council.

156 **Sec. 7. - [~~Member to be recognized by chair before speaking~~ responsibilities.]**

157 No member shall make a motion or speak on any question until ~~he~~ the member has addressed
158 and has been recognized by the ~~chair~~ President. ~~He~~ The member shall confine ~~himself~~ discussion
159 to the question before the ~~board~~ council, shall avoid personalities and shall not impute improper
160 motives to any member of the council. No city councilor shall speak longer than five (5) minutes
161 to the same motion. Each member present at a meeting shall cast a vote on each and every
162 motion unless a conflict of interest is present pursuant to Section 133 of the City Charter.
163 Councilors are encouraged to stay in their seat during public forum except in emergencies. City
164 staff and other presenters shall be treated with courtesy and respect by the council. Councilors

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168 shall abide by these rules and respect rulings by the president, subject to the rights of appeal. No
169 member may read from a document or article without permission of the President.

170 **Sec. 8. - Motions and amendments.**

171 When a question is before the council no motion shall be entertained ~~but a point of order~~ except
172 as prescribed in Roberts Rules of Order and motions to postpone to a certain day, or to postpone
173 indefinitely, to dismiss, to commit or to amend. A motion to adjourn shall always be in order.

174 Motions to adjourn, to lay on the table and ~~for the previous question~~ to call the question shall be
175 decided without debate. All amendments proposed must be germane to the subject under
176 consideration. No proposal to amend shall be considered beyond an amendment to an
177 amendment. No motion once seconded may be amended without debate ~~and vote~~ unless ~~there is~~
178 ~~unanimous consent~~ the maker of the motion and seconder consent.

179 **Sec. 9. - [Withdrawal of motion; motion to reconsider.]**

180 The mover of a motion may withdraw the same at any time prior to a decision or an amendment
181 if the member seconding the motion also gives ~~his~~ consent. A motion for the reconsideration of
182 any measure must be made by a member who voted with the prevailing side, and a majority of
183 the full membership of the council shall be necessary to secure reconsideration.

184 **Sec. 10. - Resolutions and reports to be in writing.**

185 All resolutions and all final reports of committees shall be presented in writing. All resolutions
186 must be sponsored by a ~~member of the board being introduced~~ city councilor(s). If the resolution
187 pertains to a matter that has been previously considered and acted upon by a committee of the
188 council or by another city board or commission, its text shall include a recital of the date of such
189 action and the margin of approval if such action was taken by a less than unanimous vote.

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194 **Sec. 11. - [Yeas and nays.]**

195 The yeas and nays (roll call) shall be taken on any question or motion relating to the passage of
196 an ordinance or resolution which appears on the Deliberative Agenda and which is not adopted
197 by a unanimous voice vote except that the president may choose to request a show of hands and
198 identify for the record the councilors who voted in the minority. The yeas and nays shall also be
199 taken on any question or motion upon the request of a member. Whenever the question before
200 the council shall be upon the passage of an ordinance, resolution or motion, notwithstanding the
201 veto of the mayor, it shall be decided by a yea and nay vote. On all yea and nay votes the clerk
202 shall call the roll of members and no member present shall be excused from voting except by
203 unanimous consent, or unless ~~he~~ the member disqualifies himself/herself thereon. So long as a
204 quorum exists, a valid majority for taking city council action shall be a concurrence of a majority
205 of those present and voting except as otherwise provided in these rules, the Code of Ordinances
206 or the City Charter.

207 **Sec. 12. - [Absences.]**

208 No member shall be absent without leave from any meeting unless ~~he~~ the member is ill or
209 otherwise necessarily detained, in which event ~~he~~ the member shall notify the clerk or president
210 of ~~his~~ the member's inability to be present. If a member desires to leave before the close of a
211 session ~~he~~ the member shall ask permission of the president.

212 **Sec. 13. - Meetings to be public, exception.**

213 All meetings of the council shall be public except that executive sessions may be held upon
214 approval by two-thirds majority of those present and voting. While in executive session, a
215 councilor may ask for a vote to determine whether a two-thirds majority of the council supports
216 staying in executive session, and if a two-thirds majority of the council does not support staying

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220 in executive session, the council will go out of executive session. Members of the city council
221 ~~with mayor presiding~~ and all persons invited to attend an executive session of the city council
222 ~~with mayor presiding or the city council~~ shall not discuss in any fashion the discussions
223 occurring in executive session with any person who is not a member of such council and who
224 was not present in the executive session except as such discussion may be compelled by proper
225 legal process. The foregoing sentence shall not be applicable to any subsequent consideration of
226 such discussions in a public session of the council. Any member of the city council ~~with mayor~~
227 ~~presiding~~ who violates the foregoing standards shall be subject to censure by the city council
228 ~~with mayor presiding~~ if it is established that such violation has placed the city at a substantial
229 disadvantage in its official business dealings. The burden of proof in such situations shall be
230 borne by the member who makes the contention that another member should be censured. Any
231 other city official who violates the foregoing standards shall be considered to be guilty of
232 negligence or bad conduct, as the case may be and subject to official reprimand. If such violation
233 places the city at a substantial disadvantage in its official business dealings, or if the violating
234 official has previously been reprimanded for improperly discussing executive session
235 proceedings, such official shall be subject to disciplinary proceedings pursuant to section 129 of
236 the City Charter.

237 **Sec. 14. - [Introduction of ordinances.]**

238 On introduction to the council, a proposed ordinance or amendment to an existing ordinance
239 shall identify the city department or city councilor sponsoring the proposal. A proposed
240 ordinance shall be read in full at two (2) separate meetings before being ~~put upon its passage~~
241 adopted. It shall be read the first time upon its presentation and may then be discussed. Upon
242 proper motion, a proposed ordinance may be defeated upon presentation and first reading. If not

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246 so defeated, the proposed ordinance shall upon proper motion following discussion, if any, be
247 referred to the ordinance committee on ordinances. Alternatively, upon a motion to suspend the
248 rules a proposed ordinance may be adopted if approved by two-thirds vote of those present and
249 voting. If referred to the ordinance committee, such ~~Such~~ committee shall consider the proposal,
250 consult with the city attorney and any department concerned, and report to the ~~board~~ council no
251 later than sixty days following referral of the proposed ordinance to it. If the proposal remains in
252 the committee beyond a sixty-day period, the committee shall report to the city council at least
253 once every thirty days on the status of its continuing review. The city council may ~~put~~ adopt the
254 proposed ordinance ~~upon its passage~~ at any time following its second reading.

255 **Sec. 15. - Order of business.**

256 At each regular meeting of the council (except as otherwise provided in the agenda prepared by
257 the ~~clerk~~ president) the order of business shall be as follows:

- 258 (1) Presentation of awards and memorials.
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- 260 (2) ~~Consent agenda.~~ Public forum (7:30 p.m. time certain).
- 261 (3) ~~Comments from the mayor and councilors.~~ Action on Consent Agenda.
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- 263 (4) ~~Reports from committees.~~ Resolutions and ordinances dealing with the business of
264 the city (unfinished business first).
- 265
- 266 (5) ~~Appointments (adjourn to city council with mayor presiding if required).~~ Information
267 items and reports
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- 269 (6) ~~Consideration of bills and contracts.~~ Reports from committees
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- 271 (7) ~~Old or unfinished business.~~ Councilor and mayor general city affairs.
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- 273 (8) ~~New business.~~ Appointments (adjourn to city council with mayor presiding if
274 required)

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Sec. 16. - [Agenda.]

(1) An agenda for city council meetings shall be prepared in the city clerk's office and posted on the web, and copies thereof shall be available to members of the city council and to the general public by the close of the second business day (normally Thursday) immediately preceding each regular monthly meeting of the city council, and adjourned session thereof. An agenda for special meetings of the city council, called for a specific purpose, is not required.

(2) All city departments, councilors, city officials and the public in general (except for the city attorney as provided below) are required to have their materials delivered to the city clerk's office not later than four o'clock in the afternoon of the third business day (normally Wednesday) preceding regular or adjourned regular meetings.

(3) All requests for resolutions, ordinance and miscellaneous materials, to be prepared by the city attorney must be in ~~his~~ the City Attorney's hands by twelve o'clock noon on the fourth business day (normally Tuesday) preceding a regular, or adjourned regular meeting.

The city attorney shall deliver to the office of the city clerk all resolutions or ordinances to be submitted no later than twelve o'clock noon of the second business day, (normally Thursday) preceding a regular, or adjourned regular meeting.

The city clerk's office shall assemble all materials for the coming meeting into one packet for each councilor and shall mail or deliver by messenger or may electronically send each councilor's packet at the close of the second business day (normally Thursday) preceding a regular or adjourned regular meeting.

~~(4) A supplemental list of unfinished business of previous meetings shall be attached to said agenda.~~

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~~(5)~~ (a) The agenda prepared by the ~~city clerk~~ President with input from the chief administrative officer or designee shall be divided into two parts, namely a Consent Agenda and a Deliberative Agenda. The Consent Agenda is made up of items which are deemed not controversial or are for information only. On the ~~The consent agenda the clerk shall list those items which are not believed to require debate and~~ shall also suggest the proposed action with respect to such ~~matters~~ items. The Deliberative Agenda items are for those issues which may be controversial or are of such importance that they deserve discussion by the council. It is not appropriate to move an item from the Consent to the Deliberative Agenda to provide general information. Councilors may use the Councilor Comment period to disseminate that information. All supporting documents for Resolutions and other City policies are available to the public on the City's website. Councilors having questions on Agenda items are encouraged to make inquiry of staff or other appropriate persons before requesting an Agenda change from Consent to Deliberative.

(b) Any councilor may request that a particular item be removed from the Consent Agenda and placed upon the Deliberative Agenda. However, said item shall remain on the consent agenda upon a motion approved by two-thirds of the councilors present and voting.

(c) A single motion shall be sufficient to act upon the items listed in the Consent Agenda in the manner suggested by the ~~clerk~~ chief administrative officer. The items on the Deliberative Agenda shall be dealt with separately in accordance with the procedures otherwise specified by these rules.

~~(6)~~(5) No matters of business, other than those included in the agenda, and provided to councilors in the packets or electronically provided ~~sent~~ by the city clerk's office shall be

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331 introduced and considered at any regular, or adjourned regular meeting of the city council
332 without a two-thirds affirmative vote of the ~~whole number of councilors~~ present and voting.
333 ~~(7)~~ (6) All meetings of the city council ~~which commence before 7:30 p.m.~~ shall adjourn no later
334 than 10:30 p.m. that same day. No vote by the city council may be taken after 10:30 p.m. except
335 as otherwise provided. ~~All proceedings of the council acting as local control commissioners~~
336 ~~concerning liquor licenses shall also be concluded by 10:3 p.m.~~ All executive sessions will
337 commence no later than 10:30 p.m. and be concluded by 11:00 p.m. The ~~chair of the city council~~
338 president and the city clerk chief administrative officer shall preview each agenda and endeavor
339 to make sure that all time sensitive items are placed as close as possible to the beginning of the
340 meeting. Prior to adjournment at 10:30 pm, the president shall call for a vote upon a disposing
341 motion on the pending item unless a motion is made to suspend the rules to allow continuation of
342 the meeting to complete all or a part of the agenda. If such a motion is made the president shall
343 inquire about timely matters and the motion to suspend the rules to allow continuation of the
344 meeting may include consideration of such matters warranting action. If such a motion fails to
345 receive approval of two-thirds of the councilors present and voting, even if after 10:30 pm, the
346 president may entertain alternative motions to suspend the rules to allow continuation of the
347 meeting.

348 Sec. 17. - [Business to be conducted in accordance with Robert's Rules of Order.]

349 The business of the council shall be conducted in accordance with the recognized parliamentary
350 rules as set forth in the current issue of Robert's Rules of Order, except as otherwise provided in
351 these rules. No rules of this council shall be suspended except by a two-thirds vote of those
352 present. No rule shall be amended or repealed unless notice of such proposal has been given at
353 the last regular meeting preceding, and such change must be adopted by a majority of the entire

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357 membership of the ~~board~~ council. These rules shall be applicable to the city council with mayor
358 presiding, the board of civil authority, the board of abatement of taxes and the local control
359 commission.

360 **Sec. 18. - Appointments to be by open ballot.**

361 When dealing with commission and council appointments, under the City Charter or otherwise,
362 members of the city council or city council with mayor presiding shall not ~~vote to~~ use secret
363 ballot unless two-thirds of those present vote to use secret ballots. ~~Any member may abstain~~
364 ~~from voting on the appointment of a commissioner or council member, even in the event of a roll~~
365 ~~call vote.~~ A commission or council appointment, under the City Charter or otherwise, must be
366 approved by a majority of ~~the entire membership~~ of the city council or the city council with
367 mayor presiding.

368 **Sec. 19. - Request for legal assistance.**

369 All requests for legal assistance, information and advice received by the office of the city
370 attorney from either the mayor or a member of the city council, and all information received by
371 the office of the city attorney in connection with research and drafting such a request, including
372 any preliminary drafts not yet introduced to any committee of the city council, the ~~full board~~
373 council, or released to the public, shall be confidential, unless the person requesting or giving the
374 information designates in the request that it is not confidential.

375 **Sec. 20. - City councilor expense reimbursement.**

376 The city council shall annually, as part of the budget and upon recommendation of the mayor, set
377 an expense account for each city councilor. The expense account is for expenses including
378 reimbursement necessary for the performance of city council business. Councilors may combine,
379 or pool, expenses with other councilors. Funds not spent by a city councilor at the end of his/her

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383 term shall not be available to the succeeding councilor. ~~The city treasurer will report to the city~~
384 ~~council at least once every quarter concerning expenditures made by city councilors.~~

385 **Sec. 21. Electronic devices.**

386 All electronic devices used by councilors, the public and others present shall be silenced (i.e.
387 turned off or put on “vibrate”) during council meetings. Councilors shall not use electronic
388 devices during public forum.

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- 390 * Material underlined added.
- 391 ** Material stricken out deleted.