

# **RULES OF ORDER AND PROCEDURE FOR THE COUNCIL OF UNIVERSITY CITY**

Revised/Approved May 8, 2023

## **Section I MISSOURI LAW AND THE CHARTER**

### **Rule 1**

Rules of the Council must conform to the provisions of Missouri State Law. Specifically, the Council must act in accord with the Sunshine Law and its rules for public and private meetings and adequate notice of meetings, which generally refers to Missouri Open Meetings and Records Act as found in Sections 610.010 through 610.035 of the Revised Missouri Statutes. The Sunshine Law pertains to e-mail messages that re-transmitted among the members of public governmental bodies. Any member of a public body that transmits an e-mail to at least three other members of the body so that when counting the sender, a majority of members are copied, a copy of the e-mail or the member forwarding the business related e-mail to additional member(s), which would constitute the majority, shall be sent to either the custodian of records, or the members' public office computer. Any such message, subject to the exceptions of Section 610.021, shall be considered a public record upon receipt by the custodian or at the public member's computer.

### **Rule 2**

Rules of the Council must conform to the provisions of the Charter of University City, Missouri. Specifically, the Mayor and Councilmembers must act in accord with Article II of the Charter.

## **Section II MEETINGS**

### **Rule 3**

The Council shall meet in Regular Session in the Council Chambers on the fifth floor of City Hall or other posted location on at least one and usually two Monday nights of every month at 6:30 p.m. The Council may, by motion, dispense with any regular meeting, but at least one meeting must be held in each month. A schedule of regular meetings will be determined during the preceding year by the City Council and printed in the City Calendar City website and on the City marquees. A majority of the Councilmembers elected (or appointed) shall constitute a quorum to do business, but a smaller number may adjourn such meetings. If Councilmembers know in advance they cannot attend a specific Council meeting, they must inform the Mayor and/or City Clerk.

### **Rule 3-A revised 12/10/2018**

All efforts should be expended to ensure that a quorum of Councilmembers is physically present at all meetings. In case of an emergency situation or other circumstances preventing physical attendance, Councilmembers may attend meetings and vote via video conference transmission. If at any time during a meeting one or more of the elements of a video conference becomes compromised (e.g. if any participants are unable to see, hear or fully communicate), then the video conference participant is deemed immediately absent and this absence should be reflected in the minutes.

Councilmembers attending a meeting via video conference are deemed present for purposes of participating in a roll call vote to the same effect as Councilmembers who are in physical attendance of the meeting. If the video conference fails during the act of voting, the voting shall stop until all of the components of the video conference attendance are restored and the video conference participant's presence is again noted in the minutes.

If the video conference cannot be restored during voting, the participant will be deemed immediately absent and will not participate in the vote. Council meeting minutes shall reflect the Councilmember, if any, participating via video conference.

#### **Rule 4**

Special Sessions may be called by any two members of the Council by written request filed with the City Clerk, who shall thereupon prepare a notice of such Special Session, to make diligent effort to notify each member of the Council, either by telephone or e-mail, of such special session. If a majority (4) of the Council does not attend the called Special Session, then discussion may be held, but decisions voted upon must wait until a majority (4) is present at another special or regular council meeting. Minutes will not be made of any Council meeting when a majority is not present.

#### **Rule 5**

Except as otherwise provided by the Charter or by these rules, the proceedings of the Council shall be guided by Robert's Rules of Order, as Revised. The presiding officer shall preserve the decorum and shall decide all questions of order subject to appeal to the Council. Any member may appeal to the Council from a ruling of the presiding officer. If the motion for an appeal is seconded, the member making the appeal may briefly state the reason for the same, and the presiding officer may briefly express the ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question to vote as to whether the decision of the chair shall be sustained. If a majority of the members present vote "aye" the ruling of the chair is sustained; otherwise, it is overruled.

As per *Robert Rules of Order, Newly Revised, 11<sup>th</sup> Edition, page 468*, the minutes of the meetings of the City Council, "shall be a record of what was done at a meeting, not what was said by the members".

#### **Rule 6**

The Council is free to use "general consent" or "consensus" in meetings as detailed in *Robert's Rules of Order, Newly Revised, 10<sup>th</sup> Edition*; page 51. As noted: "In cases where there seems to be no opposition in routine business, time can often be saved by the procedure of unanimous consent, or as it is also called, general consent. Action in this manner is in accord with the principle that rules are designed for the protection of the minority and generally need not be strictly enforced when there is no minority to protect. Under these conditions, the method of unanimous consent can be used either to adopt a motion without the steps of stating the question and putting the motion to a formal vote, or it can be used to take action without even the formality of a motion...Unanimous consent does not necessarily imply that every member is in favor of the proposed action; it may only mean that the opposition, feeling it is useless to oppose or discuss the matter, simply acquiesces. "

#### **Rule 7**

No member of the Council may leave the room while in formal session of the Council, as defined by Robert's Rules, without acknowledgement from the presiding officer. If/when a conflict of interest exists on an agenda item; the member of Council affected shall recuse himself or herself and must leave the dais until the vote is concluded.

#### **Rule 8**

Notice of a closed meeting must be given by the City Council, including the time, date and place of the closed meeting and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of Section 610.021 RSMo. An example is Section 610.021(1) RSMo, legal actions, causes of action, litigation or confidential legal communications. Notice must comply with the same procedures set forth in Section 610.020 RSMo for notice of a public meeting. See Section 610.022 RSMo.

No meeting can be closed without an affirmative public vote of the majority of a quorum of the City Council (four members).

The vote of each member on the question of closing a public meeting and the specific reason for closing the public meeting by reference to the specific section of the Sunshine Law must be announced publicly at an open meeting and entered into the minutes. There must be a motion to close the open meeting, and if any Councilmember believes that such motion, if passed, would be in violation of the Sunshine Law, such Councilmember must state his or her objection to the motion at or before the time the vote is taken on the motion. The City Council must enter in the minutes any objection made. Any Councilmember making such objection must be allowed to fully participate in any meeting that is closed to the public over the Councilmember's objection. In the event the objecting Councilmember also voted in opposition to the motion to close the meeting, the objection as entered into the minutes is an absolute defense to any claim filed against the Councilmember pursuant to the section of the Sunshine Law relating to violations. See section 610.022 RSMo.

Any meeting closed pursuant to the Sunshine Law must be closed only to the extent necessary for the specific reason announced to justify the closed meeting. The City Council must close only an existing portion of the meeting facility necessary to house the Councilmembers in the closed session, allowing members of the public to remain to attend any subsequent open session held by the City Council following the closed session. See Section 610.22 RSMo.

A journal or minutes of closed meetings must be taken and retained by the City Council, including, but not limited to, a record of any votes taken at such meeting. The minutes must include the date, time, place, Councilmembers present, Councilmembers absent and a record of any vote taken. Any votes taken during a closed session must be taken by roll call. When a roll call vote is taken, the minutes must attribute each "aye" and "nay" vote or abstention if not voting to the name of the individual Councilmember. See Sections 610.015 and 610.022 RSMo.

No audio recording of any closed meeting, record, or vote closed pursuant to the Sunshine Law is permitted without the permission of the City Council. Any person who does so is guilty of a State misdemeanor. See Section 610.020 RSMo. Any Councilmember betraying the confidentiality of a closed session can be censured by the Council to the extent decided upon by the remaining Councilmembers.

### **Rule 9**

For the purposes of obtaining more information on a specific subject, and for the opportunity to ask questions on a subject prior to making a decision, the Council may choose to hold Study Sessions. These sessions can be held at any time, and shall be posted in accordance with the Missouri Open Meetings and Records Act.

Study Sessions held prior to regularly scheduled Council meetings will begin with any questions in regard to the Regular Session's agenda. The Study Session agenda will then proceed as time permits,

Study Sessions shall be designed for Council deliberations and shall not be open for citizen comment, except when such comments are approved by a majority of the Council at a specific meeting. Members of Council and staff shall be prepared to consider any questions arising from a Study Session at the next regularly scheduled Council meeting.

**Rule 10** *revised 12/10/2018*

At the Regular meetings of the Council, the order of business shall be as follows (this may be changed by majority vote of Council after being moved and seconded)

1. Call to Order
2. Roll Call
3. Approval of Agenda.
4. Proclamations
5. Approval of Minutes
6. Appointments
7. Swearing In
8. Citizen Participation
9. Council Comments
10. Public Hearings
11. Consent Agenda
12. City Manager's Report
13. Unfinished Business
14. New Business/Bills to be Introduced
15. Citizen Participation
16. Council Reports and Business
17. Council Comments
18. Adjournment

**Rule 11**

Routine City business agenda items may be grouped under a Consent Calendar and voted on as one item with no discussion. Any item may be removed from the Consent Calendar and voted on separately by request from a member of the Council.

**Rule 12**

The Council Reports and Business section of the agenda is designed for members to present Board and Commission liaison reports and to discuss other issues/items which members want to formally present to other members of Council.

- a) The presiding officer will present a list of pending Board and Commission appointments and reappointments to the Council under this section at each session.

**Rule 13**

The Council Comments portion of the agenda is designed to allow Councilmembers time to freely express their opinions and ideas on topics of interest to them.

**Rule 14**

The Citizen Participation sections of the agenda are designed to allow members of the general public time to express their thoughts and concerns to members of Council, staff and the community at large. This section of the agenda is not meant to be time for a discussion between the speaker, members of Council or City staff. This is not to disallow a simple answer. The content of the speech will not be restricted. *(revised 6/12/2017)*

**Section III**  
**ORDINANCES****Rule 15** *revised 12/10/2018*

All proposed ordinances and resolutions shall be introduced in written form and identified as to who proposed: City Manager or member of the City Council.

All proposed ordinances shall be prepared by the City Attorney or bear the City Attorney's certification that they are in correct form. A copy of each proposed ordinance shall be sent to each member of the Council prior to the first reading. The first reading is for information and shall have attached to it a brief resume of the bill as prepared by or for the City Manager, together with the reasons for the introduction thereof or, if an amendment of an existing ordinance is proposed, the nature of the change sought to be made.

#### **Rule 16**

The City Manager shall not request the introduction and passage of any bill carrying an emergency clause unless a copy of said bill has been delivered to each member of the Council, together with a resume thereof and the reasons for the emergency, at least 24 hours prior to the meeting of the Council at which said bill is to be introduced.

#### **Rule 17**

Following the second or third reading of any bill, the question shall be put by the chairman, "What is the pleasure of the Council?" A Councilmember shall motion in the affirmative or negative, if the motion is followed by a second, a roll call vote will be taken to either confirm or deny the passage of the bill.

#### **Rule 18**

Any bill shall be subject to amendment until the vote for final passage; however, substantive amendments will require the bill be continued to the next meeting. What is substantive will be decided by vote of the Council.

#### **Rule 19**

Except as provided in the Sunshine Law or as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each 'aye' and 'nay' vote to the name of the individual Councilmember.

### **Section IV** **RIGHTS TO THE FLOOR**

#### **Rule 20**

Any member of the public may speak at a Council Regular Session at the times listed in Rule 10 and Rule 14, under the following conditions:

- 1) Speakers must fill out a written form, available at the entrance, and place the completed form in the respective inbox for either "agenda" or "non-agenda" items.
- 2) The Mayor will call speakers to the microphone at the appropriate time.
- 3) A member of the audience may also be called to the microphone to answer specific questions at the discretion of the Council. A City employee should be called forward only if the City Manager requests the Mayor to do so.
- 4) All speakers must give their name and address.
- 5) All speeches are limited to five (5) minutes or less.
- 6) When warranted the City Manager will send a letter, e-mail or place a phone call to the speaker in answer to his/her comments.

#### **Rule 21**

All special committees shall be proposed by the Mayor or any two members of Council and approved by a majority of Council.

**Rule 22**

By consent of a majority of the Council, a special committee may be appointed at any time to hold public hearings for the Council upon any matter pending before it.

**Section VI****CITY OFFICERS****Rule 23**

The City Manager shall attend all meetings of the Council unless excused by the Council. The City Manager shall keep the Council fully advised of the financial condition and needs of the City. The City Manager shall make recommendations to the Council and may take part in discussions on all matters concerning the welfare of the City, but shall have no vote in the meetings of the governing board.

**Rule 24 - revised 12/10/2018**

In advance of each meeting of the Council, the City Manager shall prepare an agenda of matters, including ordinances and resolutions, to be presented to the Council at each such meeting. Members of the Council desiring reports or a discussion upon any matter involving the administrative offices of the City shall notify the City Manager in time to include such matter upon the agenda. An ordinance or resolution will be placed on the agenda at the request of two members. Copies of the agenda shall be accessible at City Hall, in the Library and on the website as soon as possible in advance of each Council meeting. The agenda and the Council packet shall be e-mailed and hand-delivered to all members of Council.

**Section VII****COUNCIL OFFICERS****Rule 25**

The City Clerk shall be ex-officio clerk of the Council and shall perform such duties as may be provided by the Charter or by job description. The City Clerk shall keep a journal of the proceedings of the Council including the kind of meeting, date, time and place, presence of participants. The body of the minutes should identify all speakers, including an abstract or text of each address, and include motions made, any amendments thereto, points of order, dispositions of these matters, and the time of adjournment. The format of the journal can only be changed by a vote of the majority of the Council. The minutes of the meetings shall be transcribed within a reasonable period after each meeting. The Clerk shall furnish each Councilmember with a copy of the minutes of the preceding meeting.

**Rule 26**

The City Clerk is responsible for preparing and maintaining the final agenda which includes Proclamations, Minutes, Appointments, Swearing In, Public Hearings, Consent Agenda, City Manager's Report, Unfinished Business and New Business which was previously approved by the City Manager.

**Rule 27**

The City Clerk shall post copies of notices of all Council meetings on the City Council's bulletin board on the lower level of City Hall, at the University City Library and on the City's website and alternate locations as Council deems appropriate.

## **Section VIII**

### **NON-PARTISAN COUNCIL**

#### **Rule 28** *revised 12/10/2018*

Members of the City Council serve in a non-partisan capacity. Mayoral and Councilmember elections are non-partisan. City letterhead and logos are to be used only for official City business and are not to be used in support of any candidate.

*Rule 29 and 30 removed as content is covered in Rule 28 – (12/10/2018)*

## **Section IX**

### **COUNCIL POSITIONS ON ISSUES**

#### **Rule 31**

No member may represent the Council or the City in taking a position on a political issue unless the position has been previously agreed to by a majority of the Council. However, votes taken at meetings of the St. Louis County Municipal League, the Missouri Municipal League, the National League of Cities, Metro Mayors, National Conference of Black Mayors, and United States Conference of Mayors organizations will be decided by a majority of those members of the Council who are members and present at such meetings; unless a position has previously been decided on an issue by the Council as a whole, in which case the latter shall prevail.

#### **Rule 32**

**A.** When presenting personal positions or views, Councilmembers should make it clear that these are not the positions of the City or Council

**B.** Nothing in these rules is meant to limit the First Amendment Speech rights of any individual member of Council

## **Section X**

### **REMUNERATION**

#### **Rule 33**

Members of the Council shall receive no remuneration except that specified in the City Charter of University City.

Mayor and Councilmembers salaries can only be changed by a change in the City Charter, which requires a voter approval by the residents.

#### **Rule 34**

Members of the Council shall make no personal use of City resources, e.g., supplies, personnel, equipment, facilities, paper. Resources of the City Clerk's office may be used in an official capacity. Resources of the legislative budget may be used according to the rules of the Council's travel and expense policies and guidelines. Members of the City Council shall pay the same fees for City services and facilities as other citizens except for park passes.

#### **Rule 35**

No Councilmember should receive any gratuity from anyone doing business with the City.

## **Section XI**

### **INTERNAL COMMUNICATIONS**

#### **Rule 36**

As per the City Charter, members of Council have the right to communicate with members of staff for the purpose of inquiry. However, whenever possible, Council inquiries should be channeled through the City Manager's office.

#### **Rule 37** *revised 12/10/2018*

All closed meeting records, and votes shall remain closed as provided in the code, chapter 150.

All confidential information and documents shall be kept confidential. All closed meetings, records and votes shall remain closed as provided in Municipal Code Chapter 150.

## **Section XII**

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

#### **Rule 38 - A** *revised 12/10/2018*

1. Each Group A Board or Commission appointment will be linked to a specific Council seat. This will be the "appointing Council member". Appointing Council members elected in 2010 (2014, 2018...) will be Ward 1A, Ward 2B, and Ward 3A. Council members elected in 2008 (2012, 2016...) will be Ward 1B, Ward 2A, and Ward 3B. Appointments must conform to any special conditions in the City Ordinance

2. The initial linkage of Board and Commission seats is attached (A).

3. When a Board or Commission seat is vacant, the appointing Council member will make an appointment. The intent of the City Council is that a new appointment to a Board or Commission will be made prior to the expiration of the previous member's term. The above (1, 2, 3) apply to initial appointments.

4. It is the intention of the Council that a person serves no more than two terms on the same Board or Commission, except for the Library Board, which allows three terms. The Council Liaison to a Board or Commission can re-appoint a sitting Board or Commission member to a second term. In special circumstances, the re-appointing Council liaison can ask the Council to approve a reappointment for a third term or an extension shorter than a full term.

If the council liaison declines to make a specific re-appointment within thirty days of a vacancy, the seat is declared vacant and the initial appointment process applies.

5. These rules apply to the following (group A) Boards and Commissions:

- Building Code Appeals
- Plan Commission
- Infill Review Board
- CALOP
- Traffic Commission
- Green Practices Committee
- Urban Forestry Commission
- Historic Preservation Commission
- Park Commission



Commission on Human Relations  
Municipal Commission on Arts and Letters (15 members;  
    (2 appointments for each Councilmember; 3 for the Mayor)  
Board of Trustees of the Non-Uniformed Employee Retirement Fund  
Board of Trustees of the Police and Firemen's Retirement Fund  
Library Board Seats 1, 2, 3, 4, 5, 6, 7 are subject to the rules in 38-A

**Rule 38 – B** *revised 12/10/2018*

1. The definition of Council seats 1A, 1B, 2A, 2B, 3A, 3B in 38-A (1) shall apply to the Civil Service Board. Appointments must conform to any special conditions in City ordinances.
2. Starting with the adoption of these rules, the next appointments to the Civil Service Board will be rotated as follows: 1A, 3A, 2A, 1B, 3B, 2B, M.
3. When a Civil Service Board seat is vacant, the appointing Council member will make an appointment.
4. The above (1, 2 3) apply to initial appointments. It is the intention of Council that a person serves no more than two terms on the same Board or Commission. If the Council liaison declines to make a specific re-appointment within thirty days of a vacancy, the seat is declared vacant and the initial appointment process applies.
5. The Council liaison can re-appoint a sitting Civil Service Board member to a second term.

**Rule 38-C** *revised 12/10/2018*

1. Seats 8 and 9 on the Library Board are defined in attachment A
2. Starting with adoption of these rules, the next appointments to seats 8 and 9 of the Library Board will be jointly rotated as follows: 3A, 2B, 1A, 2A, 1B, 3B, M.
3. The appointing Council member will make an appointment.
4. Reappointments to seat 8 and 9 are the responsibility of the Council liaison. If the Council liaison declines to make a specific re-appointment within thirty days of a vacancy, the seat is declared vacant and the initial appointment process applies.

**Rule 38-D**

A Board or Commission seat shall be declared "vacant":

1. On the date when a member's term expires, or
2. On the date a member resigns, or
3. The date a member is removed by other means

**Rule 38-E**

If a Board or Commission member has 3 consecutive unexcused absences or 3 unexcused absences in a calendar year, the Council liaison can request that the Council send a letter to that Board or Commission member to determine whether the Board or Commission member wishes to continue serving, or wishes to resign from that Board or Commission.

If there is no response to the letter within 3 weeks or if the member continues to be absent without excuse, then the Council can send a follow-up letter informing the member that he/she is deemed to have resigned and will be replaced by the Council.

**Rule 38 F – REMOVED 5/8/2023**

*Related to serving on multiple Boards or Commissions at a time.*

**Rule 39 revised 12/10/2018**

Before providing the applications to members of Council, the City Clerk will check to determine whether a nominee has resigned from a board or commission prior to the expiration of his or her term. Failure to complete a term by resignation may be a disqualification for future appointment unless the failure to complete the term was beyond the individual's control.

**Rule 40 – revised 12/10/2018**

Councilmembers are required to serve as liaisons to boards/commissions and will be appointed by the Mayor. These appointments should be rotated every two years, after the April municipal elections.

The liaison serves as a communicator between the Council and the board/commission, and shall have the right to participate to the fullest extent in the proceedings and work of the board/commission except to vote.

As liaisons, Councilmembers are required to attend board and commission meetings and report back to the entire Council on work of those bodies. Such reports shall be presented in the Council Reports and Business section of the agenda of a Regular Council meeting.