

RESOLUTION NO. 2-2008

A RESOLUTION OF THE CITY OF DAVID CITY, NEBRASKA, ESTABLISHING RULES AND PROCEDURES FOR PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS.

WHEREAS, the City of David City, Nebraska (hereinafter referred to as "City") is an independent body of government, and

WHEREAS, the rules and procedures for City Council meetings are intended to establish a standard policy and identify rules and procedures for the conduct of City Council meetings.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of David City, Nebraska, that the following rules and procedures for City Council meetings regulations be in full force and effect and posted in clear view of the general public at all City Council meetings:

A. Purpose

These Rules of Procedures for City Council meetings are intended to establish a standard policy and identify rules and procedures for the conduct of City Council meetings.

The City of David City is governed by Nebraska Revised Statutes Sections 84-1407 to 84-1414, known as the Open Meetings Act. It is the City Councils intention to conduct public meeting in a timely and orderly manner.

B. Definitions

1. Agenda shall mean a formal listing of items to be considered by the City Council at a noticed public meeting of the City Council.
2. Council Packet shall mean a compilation of documents supporting the items listed on the Agenda and requiring Council action, which may be used by the City Council, Staff, and the public for more in-dept information that may be presented in an oral report.
3. Meeting shall mean the gathering of a quorum of members of the City Council, as a result of a Public Notice and Agenda, to propose to take legal action or to deliberate legal action to be taken in the future.
4. Newspaper shall mean the publication containing an Agenda of subjects known at the time of publicized notice, or a statement that the Agenda shall be available for public inspection at the principle office of the City Council.
5. Notice shall mean a formal announcement to the public that sets forth the date, time, and place for which a meeting of the City Council will be held.
6. Ordinance shall mean a Council action setting forth a rule of public conduct that is considered long-term. Long-term rules include zoning issues, annexations or any abandonment, laws of the City, and such.
7. Presiding Officer shall mean the Mayor, City Council President, or other designee, who shall preside over the Meeting of the City Council and conduct the meeting in conformance with and adherence to all applicable state statutes, policies, rules, regulations, and procedures.

8. Quorum shall mean the minimum number of members of the City Council who must be present in order for business to be legally transacted. With a six member body, a quorum is four members.
9. Resolution shall mean a more formal form of a motion normally utilized to set forth policy of the City. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its content warrants a separate document to facilitate such future reference and research.

C. Types of Meetings

1. Regular Meetings

- a. The City Council of the City of David City, Nebraska shall hold Regular Meetings in the City Council meeting room in the City Office Building. Regular Meetings shall be held on the second (2nd) Wednesday of each month at the hour of seven (7:00) o'clock P.M., unless otherwise declared.
- b. Regular Meetings, open to the public, are held for the purpose of discussion or action of the City Council on various issues deemed necessary to further the business of the City.
- c. As provided by Nebraska Revised Statute, Section 84-1410, the City Council may meet in CLOSED Executive Session.

2. Committee of a Whole Meeting

- a. The City Council of the City of David City, Nebraska shall hold Committee of a Whole Meetings in the City Council meeting room in the City Officer Building. The location, date, and time of Committee of a Whole Meetings shall be determined by the City Council at its Regular Meeting within the same month.
- b. Committees of a Whole Meetings, open to the public, are held for the purpose of presentations, suggestions, and discussions on non-action items that require more in-depth consideration or conversations of the City Council than may be possible at a Regular Meeting. No formal action of the City Council may be taken at such meetings, other than a general consensus vote of the City Council conveying directions to staff for further action in one of the following ways:
 1. Advance to the Regular Council Meeting as an action item that is ready for a ruling vote;
 2. Tabled for further consideration and discussion to the next scheduled Committee of the Whole Meeting;
 3. Cease conversations indefinitely because of lack of support; or
 4. Designated as a non-action item requiring no further discussion or consideration.
- c. As provided by Nebraska Revised Statute, Section 84-1410, the City Council may meet in CLOSED Executive Session.

3. Special Meetings

- a. Special Meetings may be called by the Mayor, or by three members of the City Council, the object of which shall be submitted to the Council in writing. Upon filing the call for a Special Meeting, the City Clerk shall notify the City Council of the Special Meeting, stating the time and its purpose.
- b. Special Meetings, open to the public, are held for the purpose discussion or to take action on an unforeseen issue where time is of the essence and sufficient time does not provide for the posting of a meeting notice 24 hours or more before the meeting.
- c. As provided by Nebraska Revised Statute, Section 84-1410, the City Council may meet in CLOSED Executive Session.

D. Public Participation in Council Meetings

1. Purpose. The purpose of addressing the City Council is to communicate formally with the Council regarding matters that relate to Council business. Persons addressing the City on an agenda item shall confine their remarks to the matter under consideration by the Council.
2. Commencement of Public Comment Period. Persons other than Council Members shall be permitted to address the Council on topics relevant to agenda items during public comment periods of the meeting or during public hearing periods of the meeting. The Presiding Officer will publicly announce the opening and closing of public comment periods or public hearing.
3. Obtaining the Floor. Any person wishing to speak shall first obtain the floor by being recognized by the Presiding Officer. When called upon by the Presiding Officer, the speaker's comment and testimony are to be directed to the Presiding Officer. Dialogue between and inquiries from the speaker and individual Council Members, members of staff, or the audience is not permitted to allow all comments and testimonies to be clearly heard by Council Members for consideration. The Presiding Officer may limit discussion when it is not relevant to the agenda item or is off topic.
4. Time Limit. In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the City Council, each speaker may be instructed to limit comments to a specified time which is permitted by the Presiding Officer. If a large number people wish to speak, this time may be shortened by the Presiding Officer so that the number of persons wishing to speak may be accommodated within the time available. Time limits may be waived upon consensus of the Council Members (no vote required).
5. Speak Only Once. Second opportunities for the public to speak on the same issue will not be permitted unless a Council Member seeking to clarify testimony or to gain additional information should make such a request through the Presiding Officer. The Presiding Officer may allow additional opportunities for the public to speak for the purpose of clarifying testimony when determined to be necessary and such additional comments are not repetitious or previous testimony. The Presiding Officer may limit secondary discussion when it is repetitious, not relevant to the agenda item or off topic.
6. Audience / Speaker Decorum. Members of the audience and speakers shall not engage in disorderly or boisterous conduct, including the utterance of loud,

threatening, or abusive language; clapping; whistling; stamping; or other acts that disturb, disrupt, impede, or otherwise render the orderly conduct of the City Council meeting unfeasible.

A member of the audience or a speaker engaging in such conduct will be warned by the Presiding Officer that they are "out of order". If the member of the audience or a speaker continues with the disruption they may be removed from the meeting by order of the Presiding Officer.

7. Conclusion of Public Comment Period. After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Council, unless a Council Member seeking to clarify testimony or gain additional information should make such a request through the Presiding Officer.

E. Public Agenda Item Submittals

1. Except for Executive Session matters, items may be placed on future City Council meeting Agendas for discussion and possible action according to the following process:
 - a. Completion of the ***Request for Future Agenda Item*** form located in the City Council Chambers, City's website, and the front desk at City Hall;
 - b. Return completed ***Request for Future Agenda Item*** form to the City Administrator;
 - c. City Administrator reviews the completed ***Request for Future Agenda Item*** form;
 - d. City Administrator may forward the completed ***Request for Future Agenda Item*** form to City staff for review and appropriate action or place on the next appropriate City Council Agenda; and
 - e. A copy of the ***Request for Future Agenda Item*** form will be returned to the source with documentation of resolution or City Council meeting Agenda date and time.

PASSED AND APPROVED this 13th day of February 2008.

Mayor Dana Trowbridge

ATTEST

City Clerk Joan E. Kovar