

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 2.04.010 of the Lincoln Municipal Code
2 relating to Rules of the City Council by amending Rule 3-3 to allow a Council member to not vote
3 on a question in which the Council member has a personal interest; and repealing Section 2.04.010
4 of the Lincoln Municipal Code as hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 2.04.010 of the Lincoln Municipal Code be amended to read
7 as follows:

8 **2.04.010 Rules of the Council.**

9 The City Council shall be governed by the following rules related to its organization, election
10 of its officers, duties of its chair, procedure, decorum and debate. The rules for parliamentary proce-
11 dure comprised in Robert’s Rules of Order, newly revised, shall govern the City Council in all cases
12 to which they are applicable, and in which they are not otherwise inconsistent with the standing rules
13 of the council hereinafter set forth in this section.

14 **ORGANIZATION OF THE COUNCIL**

15 **Rule 1-1. Organizational Meeting and Regular Meetings.** On the second Monday
16 following each general city election, the council shall meet for the purpose of administering the oath
17 of office to its new members, electing its officers, and carrying out its assigned duties. Thereafter,
18 the council shall hold one regular meeting on Monday of each week except when the same shall fall
19 on a legal holiday, in which case the regular meeting shall be held on the Tuesday following said
20 legal holiday. Each meeting shall convene at the time and place prescribed by public notice posted
21 by the City Clerk.

22 **Rule 1-2. Special Meetings.** Special meetings of the Council as provided by the charter
23 may be called from time to time by the Mayor or any two members of the Council. The time and
24 place of any special meeting shall be communicated to the office of the City Clerk at least twenty-
25 four hours prior to such meeting. The City Clerk shall immediately thereafter post public notice of
26 such special meeting on the official bulletin board.

27 **Rule 1-3. Council Policy Meetings and Briefing Sessions.** Council policy meetings
28 and briefing sessions may be called from time to time by the Mayor, the Council Chair, or any two
29 members of the Council. The time and place of any Council policy meeting or briefing session shall
30 be communicated to the office of the City Clerk at least twenty-four hours prior to such meeting.

1 The City Clerk shall provide notice of all Council policy meetings and briefing sessions in the
2 manner as provided in Rule 3-24 hereof. Such meetings shall, unless closed as hereinafter provided,
3 be open to the public, but no member of the public shall be entitled to address the Council at such
4 meetings except by invitation of the Council. Those rules of Council decorum, debate, and
5 procedure hereinafter set forth as Rules 3-1 through 3-28, inclusive, shall not be enforced at such
6 meetings or briefing sessions. The Chair shall preside over all meetings or briefing sessions and be
7 responsible for assuring that discussion and questioning by Council members is conducted in a fair
8 and orderly manner, within the time set aside therefor.

9 **Rule 1-4. Election of Chair and Vice-chair; Terms; and Removal from Office.** At
10 the first meeting of each session held on the second Monday following each general city election,
11 the first order of business shall be the election of a Chair and Vice-chair. The terms of the Chair and
12 Vice-chair shall be for annual terms, terminating in May of each year, provided that either or both
13 the Chair and Vice-chair may be re-elected for as many consecutive annual terms as Council may
14 deem appropriate; and provided, further, the Chair may be removed from office at any time upon
15 a motion adopted by a majority vote of no less than four members of the Council. The meeting shall
16 be called to order by the Mayor who shall act as temporary Chair without a vote for the purpose of
17 receiving nominations from members of the Council for the office of Chair.

18 Any member of the Council may submit the name of one member of the Council as a
19 nominee for the office of Chair. Recognition by the Mayor is not necessary for the purpose of
20 making a nomination. No second shall be necessary. After a nomination is received, the Mayor
21 shall state the name of the nominee and shall then ask if there are any further nominations. If there
22 is no response, the Mayor shall declare that the nominations for the office of Chair are closed
23 without waiting for a motion to that effect.

24 After nominations have been closed, voting for the office of Chair will take place by roll call
25 vote. On each call of the roll necessary to elect a Chair, each member of the Council shall be
26 entitled to vote for one nominee. The nominee who shall receive four or more votes shall be elected
27 Chair. The clerk shall call the roll and record the vote as many times as is necessary to elect a Chair.
28 The Mayor acting as temporary Chair shall recognize any member of the Council desiring to be
29 heard at the conclusion of any roll call vote when no nominee has received a sufficient number of
30 votes to be elected Chair.

31 Upon the election of a Chair, the Mayor shall forthwith surrender the gavel to him or her.

32 The Council shall immediately proceed with the election of a Vice-chair. The Chair shall
33 call for nominations for the office of Vice-chair and the Council shall elect a Vice-chair following
34 a procedure identical to that prescribed above for the election of a Chair. The term of the Vice-chair
35 shall be the same as that of the Chair and the procedure for removal from office shall also be the
36 same.

37 Nothing in these rules shall be construed to prohibit any nominee from voting for themselves
38 or to prohibit any nominee from voluntarily withdrawing his or her name from consideration at any
39 time during the proceedings for the election of a Chair.

40 **Rule 1-5. Filling a Vacancy in the Office of Chair.** In the event there shall be a
41 vacancy in the office of Chair, the Vice-chair shall automatically become Chair of the Council for
42 the unexpired term unless sooner removed. The Council shall then proceed to elect a new Vice-chair
43 for the unexpired term following the procedure prescribed in Rule 1-4 above.

1 (c) To recognize members of the Council who are entitled to the floor.

2 (d) To state and put to a vote all questions that legitimately come before the Council as
3 ordinances, resolutions, or motions, or that otherwise arise in the course of proceedings and to
4 announce the result of each vote; or, if an ordinance, motion, or resolution that is not in order is
5 made, to rule it out of order.

6 (e) To protect meetings of the Council from obviously frivolous or dilatory motions by
7 refusing to recognize them.

8 (f) To enforce the rules relating to debate and to order and decorum within any place at
9 which a regular or special meeting of the Council is held.

10 (g) To expedite business of the Council in every way compatible with the right of its
11 members and the public.

12 (h) To decide upon all questions of order, subject to appeal to the full Council for final
13 decision of such a question. Any appeal of a decision of the Chair upon a question of order shall
14 be immediately presented and voted upon by the full Council. In such event a majority vote of the
15 members present shall determine such question of order.

16 (i) To respond to inquiries of members of the Council relating to parliamentary
17 procedure or factual information bearing upon the business of the Council.

18 (j) To authenticate by his or her signature, when necessary, all acts, orders, and proceed-
19 ings of the Council. To declare a meeting adjourned at any time a majority of the Council so votes,
20 or at the time prescribed in the agenda for a meeting of the Council or at any time in the event of
21 sudden emergency affecting the safety of persons present.

22 **Rule 2-2. Documents in Possession of Chair.** At each meeting of the Council, in
23 addition to the necessary papers proper to the business of that meeting, the Chair shall have at hand
24 the following documents:

25 (a) A copy of the Council bylaws and rules of procedure as set forth in Chapter 2.04 of
26 the Lincoln Municipal Code.

27 (b) A copy of Roberts Rules of Order, Newly Revised.

28 (c) A list of all standing and special committees of the Council and the membership
29 thereof.

30 The Chair shall stand while calling a meeting to order. It shall not be necessary for the Chair
31 to stand while putting a question to a vote, while explaining his or her reasons for ruling on a point
32 of order, or when speaking during debate on an appeal of a point of order which has been submitted
33 to the full Council for decision.

34 **Rule 2-3. Rights of Chair to Vote and Debate.** The Chair of the Council shall possess
35 all of the rights, duties and responsibilities of a member of the Council and shall be entitled to vote
36 on any matter brought before the Council, notwithstanding the fact that he or she shall be serving
37 as Chair. The Chair shall be entitled to fully participate in the discussion or debate on any matter
38 before the Council; provided, that in order to preserve the rules of the Council relating to decorum
39 and debate, the Vice-chair shall preside over the meeting during those times in which the Chair shall
40 be engaged in such discussion or debate.

1 **RULES OF COUNCIL DECORUM, DEBATE AND PROCEDURE**

2 **Rule 3-1. Right to Speak to the Same Question.** No member of the Council shall
3 speak more than once to the same question, without leave of the Chair, unless he or she be the
4 mover, introducer or proposer of the matter pending, in which case he or she shall be permitted to
5 speak in reply, but not until every member choosing to speak shall have spoken.

6 **Rule 3-2. Attendance and Decorum While a Question is Called.** While the Chair is
7 putting any question, or addressing the Council, no member shall walk out of, or across the Council
8 chamber; nor, in such case, or when a member is speaking, shall another member entertain private
9 discourse.

10 **Rule 3-3. Vote of a Member Mandatory; Exceptions.** Every member of the Council
11 who shall be present when a question is put, shall give his or her vote, unless such member has a
12 financial conflict of interest on the pending question precluding him or her from voting thereon. In
13 addition, a Council member may abstain from voting on the pending question if the Council member
14 has a real or perceived personal conflict of interest that might reasonably be expected to impair his
15 or her objectivity or independence in judgment.

16 **Rule 3-4. Stating of Motions.** When a motion is made and seconded, it shall be stated
17 by the Chair or, being in writing, it shall be read aloud by the clerk before debate.

18 **Rule 3-5. Written Motions.** Every motion shall be reduced to writing, if the Chair or
19 any member desires it.

20 **Rule 3-6. Withdrawal of a Motion.** After a motion is stated by the Chair, or read by
21 the clerk, it shall be deemed to be in possession of the Council, but may be withdrawn by the mover
22 at any time before a decision or amendment.

23 **Rule 3-7. Precedence of Motions During Debate.** When a question is under debate,
24 no motion shall be received except a motion to adjourn, motion to lay on the table, motion to call
25 the question to a vote, motion to postpone to a day certain, motion to postpone indefinitely, motion
26 to commit, or motion to amend, which several motions shall have precedence in the order in which
27 they are named in this rule.

28 **Rule 3-8. Motion to Adjourn and Motion to Lay on the Table Not Debatable.** A
29 motion to adjourn and a motion to fix the day to which the Council shall adjourn shall always be in
30 order; and these motions and a motion to lay on the table shall be decided without debate.

31 **Rule 3-9. Motion to Call the Question; Procedure.** Upon a motion to call the
32 question to a vote and a second thereof, the Chair shall state: “Shall the main question be put to a

1 vote now?” There shall be no debate upon such motion and the clerk shall immediately call the roll
2 of the Council. If the motion is adopted, it shall end all debate on the main question and bring the
3 Council to a direct vote upon any pending amendments, and then upon the main question.

4 **Rule 3-10. Division of a Question.** Any member may call for a division of a question,
5 which shall be divided if the subject motion contains several parts, each of which is capable of
6 standing as a complete proposition if the others are removed.

7 **Rule 3-11. Amendment Must be Germane to Subject Under Consideration; Annexa-**
8 **tion of Other Matter Prohibited.** No motion or proposition on a subject different from that under
9 consideration shall be admitted under color of amendment. No bill or resolution shall at any time
10 be amended by annexing thereto or incorporating therewith any other bill or resolution pending
11 before the Council.

12 **Rule 3-12. Motion to Reconsider; Procedure.** When a motion has once been made and
13 carried in the affirmative or negative, it shall be in order for any member of the majority to move
14 for the reconsideration thereof on the same or next succeeding regular meeting of the Council, and
15 such motion shall take precedence over all other matters, except a motion to adjourn.

16 If a motion to reconsider is made at the next succeeding regular meeting and notice of the
17 intention to move for reconsideration has not been included on the agenda for such meeting, final
18 action on the reconsidered item shall be delayed until the next regular meeting or until such other
19 time as may be determined by majority vote of the Council.

20 **Rule 3-13. Compelling Attendance of Absent Member.** Any two members may com-
21 pel the attendance of any member who is absent from the Council chamber.

22 **Rule 3-14. Compelling a Roll Call Vote.** Any one member may compel the clerk to call
23 a roll vote on any matter before the Council for decision, when the Chair has not requested such
24 vote.

25 **Rule 3-15. Rotation of Roll Call Vote.** In the taking of yeas and nays on roll call votes,
26 the clerk shall at the beginning of each meeting rotate the order in which the names of members of
27 the Council are called by taking the name at the top of the order at the next preceding meeting and
28 placing it at the bottom of the order.

29 **Rule 3-16. Name of Introducer to be Entered Upon Minutes.** In all cases where a
30 resolution or motion shall be entered on the minutes of the Council, the name of the member moving
31 or introducing the same shall also be entered.

32 **Rule 3-17. Sergeant at Arms.** The Chief of Police, or an officer designated by him,
33 shall be ex officio sergeant at arms, whose duties it shall be to attend the Council during each of its
34 meetings, and to execute the commands of the Council relating to the service of all process issued
35 by authority of the Council, as shall be directed by the Chair of the Council.

1 **Rule 3-18. Reporting by Boards, Commissions and Committees.** Any advisory board,
2 commission or committee established pursuant to the provisions of Article IV, Section 25 of the City
3 Charter shall have leave to report to the Council by bill or otherwise, and shall in all cases report in
4 writing the state of facts, and their recommendations relating thereto.

5 **Rule 3-19. Ordinance Bills; Required Readings; Exception.** Every bill proposed as
6 an ordinance shall be read by title on three different days, unless the Council shall dispense with this
7 rule by a vote of at least two-thirds of its members. The requirement that ordinances of a general
8 or permanent nature be fully and distinctly read is dispensed with as authorized by Article V,
9 Section 3 of the Charter.

10 **Rule 3-20. Ordinance Bills; Legislative Process; Public Hearings; Exception.** The
11 first reading of a bill proposed as an ordinance shall be for information; and if opposition be made
12 to it, the following question shall be put by the Chair: "Shall the bill be rejected?" If no opposition
13 be made, or if the question to reject be defeated, the bill shall proceed to second reading and public
14 hearing at the next regular meeting of the Council. If opposition be made to it after second reading
15 and public hearing, the Chair shall then state the same question calling for rejection of the bill. If
16 no opposition shall then be made or if the question to reject shall be defeated, the bill shall then pro-
17 ceed to third reading and final consideration at the next regular meeting of the Council. The Council
18 may dispense with this rule by a vote of at least two-thirds of its members.

19 **Rule 3-21. Each Ordinance and Resolution Copied Into Council Record.** Every bill
20 passed as an ordinance and every resolution adopted shall be copied in full in the Council record,
21 and each ordinance shall be certified to by the clerk.

22 **Rule 3-22. Bill Processing Dates Noted by Clerk.** The clerk shall note on each bill the
23 dates of the first, second and third readings, passage, approval by the Mayor and publication.

24 **Rule 3-23. Assignment of Numbers to Bills and Ordinances.** All bills proposed as
25 ordinances shall be numbered by the clerk by indicating the calendar year and sequential order of
26 their introduction in such year. All ordinances adopted by the Council shall be numbered by the
27 clerk in the order in which they are passed. The clerk shall also maintain a permanent record of all
28 bills proposed as ordinances which shall fail to pass.

29 **Rule 3-24. Formal Agenda; Preparation, Matters Not on Agenda Prohibited During**
30 **Public Hearing; Notice.** All reports, communications, ordinances, resolutions, contract documents
31 or other matters to be submitted to the Council shall be submitted to the City Clerk no less than
32 ninety-six hours prior to the time for commencement of each regular meeting of the Council,
33 whereupon the Clerk shall prepare a meeting notice together with a formal agenda of such matters
34 to come before the Council as its regular business for such meeting. The Clerk shall furnish each
35 member of the Council, the Mayor, and director of each department with a copy of such formal
36 agenda prior to the Council meeting and as far in advance of the meeting as time for preparation will
37 permit. Any member of the Council may place any matter on the formal agenda of the Council in
38 accordance with the requirements of this rule. No member of the Council may bring before the
39 Council at its public hearing any matter not otherwise properly placed upon the formal agenda of

1 the Council as provided by this rule. Except for items of an emergency nature, the agenda shall not
2 be altered later than (a) twenty-four hours before the scheduled commencement of the meeting, or
3 (b) forty-eight hours before the scheduled commencement of a meeting scheduled outside the
4 corporate limits of the city. The Council shall have the right to modify the agenda to include items
5 of an emergency nature only at such public meeting. The Clerk shall cause the meeting notice and
6 formal agenda to be posted on the official bulletin board. The City Clerk or other designee of the
7 City Council shall maintain a list of the news media requesting notification of meetings, and shall
8 make reasonable efforts to provide advance notification to them of the time and place of each
9 meeting, and the subjects to be discussed at that meeting.

10 **Rule 3-25. Order of Business Changed Only by Two-thirds Majority.** The order of
11 business of the Council as established by its formal agenda and the standing rules of Section
12 2.04.010, shall not be postponed or changed, except by a vote of at least two-thirds of its members.

13 **Rule 3-26. Two-thirds Vote Required for Rescission, Amendment or Suspension of**
14 **Rules.** None of the foregoing rules of decorum, debate and procedure shall be rescinded, amended
15 or suspended, except by a vote of at least two-thirds of its members.

16 **Rule 3-27. Written Communications to Council.** Any person may direct a written
17 communication to the City Council on any matter concerning the city's business by directing the
18 communication to the City Council through the City Clerk. Any such written communication shall
19 be placed on the agenda of the next regular Council meeting under the order of business entitled:
20 "Petitions and Communications."

21 **Rule 3-28. Dissent or Protest of a Member Entered Into Minutes.** Any member of
22 the Council shall have the right to have the reasons for his or her dissent from or protest against any
23 action of the Council entered in the minutes.

24 **Rule 3-29. Meetings; Closed Sessions.** The City Council may hold a closed session as
25 provided by, and in accordance with the procedures set forth in, Neb. Rev. Stat. § 84-1408 et seq.
26 as the same now exists or as such statutes may be amended from time to time.
27

28 Section 2. That Section 2.04.010 of the Lincoln Municipal Code as hitherto existing
29 be and the same is hereby repealed.

30 Section 3. That this ordinance shall take effect and be in force from and after its
31 passage and publication according to law.

Introduced by:

08-62

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2008:

Mayor