

Common Council Rules of Procedure – Revised March 7, 2018

I. Meetings

i. Organization Meeting

The Common Council shall meet on the first day of January after the election at the regular place of meeting of the Common Council for the previous year, and thereafter it shall meet at such place as it may choose, within or without the territorial limits of the city but in reasonable proximity thereto, and at times hereinafter provided.

ii. Regular Meetings

The Common Council shall hold regular meetings at least once each month, on the first Wednesday of the month in Common Council Chambers, Third Floor, City Hall, 108 E. Green Street, unless otherwise specified by Council.

iii. Special Meetings

The Mayor or any six Council members may call a special meeting of the Common Council by 24 hours' notice, in writing, served personally or by mail upon the other members of the Common Council or by leaving said notice at either their respective usual places of business during business hours or their respective places of abode at other times. In the absence of the Mayor, any three Council members, may call special meetings by 24 hours' notice in the same fashion.

iv. Voting

- 1) In the proceedings of the Common Council, each member present shall have a vote except the Mayor, who shall only have a vote when the votes of the other members are tied, and except as hereinafter provided.
- 2) A majority of the members of the Common Council shall be a quorum for the transaction of business. If a member abstains from voting, it shall be considered as if that member did not vote. However, a member may only abstain from voting if that member determines that she or he has a conflict of interest regarding the motion being voted upon.
- 3) A majority vote is required to pass any motion or resolution, except as is hereinafter provided. A vote of six (6) or more Council members shall constitute a majority vote.
- 4) No tax or assessment shall be ordered except by a concurring vote of a majority of all members of the Common Council in office, including the Mayor, who shall be entitled to vote thereon as a member of the Council, and no tax levied, assessment bill ordered, resolution or ordinance shall take effect until the same shall receive the approval of the Mayor.
- 5) The Common Council may override any mayoral veto by a 2/3 vote of the alderpersons.

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v. Collection and Distribution of Materials

- 1) The City Clerk shall prepare and distribute an agenda to the members of Common Council for each meeting of Common Council at least four days before each meeting
- 2) Staff designated by the appropriate body shall distribute to the members of Common Council an agenda of the Board of Public Works, Planning and Development Board, Ithaca Landmarks Preservation Commission and Board of Zoning Appeals at least four days before each meeting of said boards.
- 3) Agendas for each meeting of each Standing Committee of Common Council will be distributed to the members of Common Council by the department responsible for preparing agendas and minutes for said Standing Committee. Agendas shall include all supporting documents, unless a member of Council indicates that they do not wish to receive the documents for a particular committee.
- 4) Each Chair of a Common Council committee shall present agenda items pertaining to that committee in the appropriate final format to the City Clerk no later than 4:00 p.m. on the Thursday preceding any meeting of the Common Council and give some indication of whether the item is for report or action. Any member of Common Council or the Mayor may present agenda items in the same fashion and by the same deadline to be considered at the following regular meeting of Common Council.
- 5) The City Clerk shall transfer in memo or email form all referrals or action resolutions from Common Council to the Chair(s) of the involved Council committee(s), lay boards, agencies, and departments.
- 6) All matters to be brought before Common Council should include sufficient supporting information for Council members to fully understand the resolution to be voted upon.

vi. Attendance

Emergencies notwithstanding, Council members shall inform the Council or committee chair at least three days ahead of time if they are not able to attend a Common Council or Standing Committee meeting.

vii. Length of Meetings

Any meeting of either a Standing Committee or Common Council shall end after four hours unless an extension is authorized by a majority vote of said body.

II. Order of Business

1. Pledge of Allegiance
2. Additions To and Deletions From the Agenda
3. Proclamations/Awards
4. Special Orders of Business
5. Special Presentations Before Council
6. Petitions and Hearings of Persons Before Council
7. Privilege of the Floor – Common Council and the Mayor
8. Consent Agenda
9. Reports and Resolutions from Standing Committees
10. Reports of Special Committees

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11. New Business
12. Individual Member-Filed Items
13. Mayor's Appointments
14. Reports of Common Council Liaisons
15. Report of City Clerk
16. Report of City Controller
17. Report of City Attorney
18. Minutes from Previous Meetings
19. Adjournment

(1) Pledge of Allegiance

The Mayor shall lead all present in the Pledge of Allegiance to the Flag.

(2) Additions To and Deletions from the Agenda

No legislation may be moved for a vote at a regular meeting of the Common Council without unanimous vote of the members unless it first appeared on the agenda. A matter may be reported to the Council at any time, whether or not it appears on the agenda for that meeting, an item may be withdrawn from the Common Council agenda with the consent of the Mayor and either the sponsoring committee Chair or individual member who brought the item.

(3) Proclamations/Awards

The Mayor shall announce any proclamations or awards.

(4) Special Orders of Business

Common Council will consider any agenda items or convene any public hearings deemed of special significance.

(5) Special Presentations Before Council

It is desirable for the Common Council to hear from boards, commissions, neighborhood associations, representatives from other municipalities or some other group or individual in order to get essential information for the effective maintenance of the City. In this case, the three (3) minute time limit shall not apply.

(6) Petitions and Hearings of Persons Before Council

Persons not members of Common Council shall be accorded the privilege of the floor and be permitted to speak for three minutes in regards to matters within the scope of the powers of Common Council. All persons speaking before Council will observe the Rules of Order posted in Common Council Chambers (See Section III (v)).

a. Petitions and Hearings of Spokespersons Before Council

Any provision herein to the contrary notwithstanding, a group of three or four persons wishing to be heard in regards to matters within the scope of the powers of the Common Council may designate a spokesperson to address the Common Council on behalf of said group. Such a spokesperson will be permitted to speak for five minutes. Similarly, a group of five or more may designate a spokesperson to address the Common Council on behalf of said group. Such a spokesperson will be

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permitted to speak for seven minutes. All persons represented by such a spokesperson must be present at the Common Council meeting, and appear with the speaker in order for the spokesperson to be heard. All spokespersons speaking before Council will observe the Rules of Order posted in Common Council Chambers (See Section III (v)).

(7) Privilege of the Floor – Common Council and the Mayor

Any member of Common Council or the Mayor shall be accorded the privilege of the floor to speak in response to any person having made comments during the Petitions and Hearing of People Before Council or in regard to any matters pending before the board or any matters of significance to the residents of the city.

(8) Consent Agenda

The Consent Agenda shall be a listing of all resolutions and appointments that have been designated by the Chairs of the recommending Standing Committees, or by the Mayor, as being routine and not likely to need or require discussion by the Common Council, unless said agenda item requires a formal vote in accordance with state or local law. The resolutions and appointments listed in the Consent Agenda are voted on as a group by the Council. Any member of the Council may require that any resolution or appointment in the Consent Agenda be instead included separately and individually as part of the business of a Standing Committee or Special Committee.

(9) Reports and Resolutions from Standing Committees

Reports – The chair of each standing committee shall give a brief oral report of any business of that committee not scheduled for discussion as part of the meeting agenda, followed by an opportunity for other members of the Council to ask questions.

Motions and Resolutions – The Committee Chair shall introduce each motion or resolution brought forward from committee by reading the Resolved portions into the record. The Committee Chair need not read the entire resolution. The Committee Chair may synopsise or summarize the issues in the resolution, if so desired.

(10) Reports of Special Committees

The Chairs of any special committees may give brief oral reports of any business of their committees. Each report shall be followed by an opportunity for other Council members to ask questions. If they have any motions or resolutions, they shall follow the sequence and procedures in No. 9 above.

(11) New Business

The Mayor may ask Common Council to consider any report or resolution whether or not that report or resolution has been previously reviewed by a Standing Committee.

(12) Individual Member-Filed Items

Any individual Council member shall introduce any motion, proposed resolution, or proposed ordinance that was submitted to the City Clerk by that individual Council member by 4:00 p.m. on the Thursday preceding the Common Council meeting and which was included in the agenda for that meeting. Any individual Council member may introduce

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a proposed local law that was submitted to the City Clerk by that individual Council member at least seven calendar days (excluding Sundays) prior to the Common Council meeting, laid upon the tables of all the members of Common Council at least seven days (excluding Sundays) prior to the day of the Common Council meeting and which was included in the agenda for that meeting. Common Council may decide to consider the motion or proposed resolution, ordinance or local law, table it until a future meeting, refer said motion or proposed resolution, ordinance or local law to a Standing or Special Committee, or take any other action it deems appropriate.

(13) Mayor's Appointments

The Mayor shall present her or his appointments to Common Council for a vote.

(14) Reports of Common Council Liaisons

Any Common Council member may provide a report related to any board, commission or other body to which that Council member is a liaison.

(15) Report of City Clerk

The City Clerk shall provide a report.

(16) Report of City Controller

The City Controller shall provide a report.

(17) Report of City Attorney

The City Attorney shall provide a report.

(18) Minutes from Previous Meetings

The City Clerk shall present the minutes from previous meetings to Council. In the absence of objection or correction, the minutes stand approved without formal motion.

(19) Adjournment

Upon completion of the above-listed order of business, the Mayor shall hear a motion to adjourn the meeting.

III. Order and Decorum

- i. The Chair shall preserve order and decorum and shall decide all questions of order, subject to an appeal from the Common Council or Standing Committee.
- ii. If an appeal is taken from the decision of the Chair, the Chair shall have the right to explain the reason for the decision. The Council or committee shall decide the case without debate, and the question shall be stated by the Clerk or equivalent staff, "Shall the ruling of the Chair be sustained?" The vote shall be taken by roll call and ruling sustained by a majority of the members of Council or Standing Committee. The Mayor does not vote in such an appeal.
- iii. While the Chair or the Clerk is taking a vote or while a member has the floor and is speaking, no other member shall speak except to raise a point of order or a point of information.
- iv. No matter concerning the medical, financial, credit or employment history of a particular person, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person shall be discussed by Council in open session, but shall instead be taken up in executive session upon a majority vote of the total membership of Council as provided by Sec. 105 subd. 1 f of the Public Officers Law. In any case,

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Alders and the Mayor shall be sensitive to the negative impact of public statements criticizing an employee. If the direct subject of the public criticism is the content, implementation, or outcome of a policy, this is not considered to be a criticism of job performance.

- v. All members of the public who attend meetings of any City board, commission or committee, including public meetings of Common Council, shall act in accordance with the following Rules of Order (as posted in Common Council Chambers):
- 1) Where public comment is scheduled on the meeting agenda, any member of the public may address the Mayor, Common Council, or a Council Committee in regards to matters within the scope of the powers of Common Council for up to three minutes.
 - 2) Any person may address Common Council or a standing committee of Common Council for up to three minutes during the "Petitions and Hearings of Persons Before Council" or "Public Comment" portion of an official meeting. A speaker will be notified by a timekeeper when her/his time has ended. Neither the Chair, the Mayor, nor any majority vote of the entire body may extend the speaker's limit. A person may address the body at any point after the "Petitions and Hearings of Persons Before Council" or "Public Comment" portion of the meeting upon invitation by, or permission from, the Mayor, the Chair of the committee or by a majority vote of the body. The provisions of this subsection shall apply to spokespersons, designated per Section II (6)(a), with the exception that the time limit afforded such persons shall be either five or seven minutes, depending on the size of the group the spokesperson represents.
 - 3) Any person who shall desire to speak at a meeting of Common Council, or a Council Committee shall fill out a card stating her or his name, street address, municipality of residence, and the topic upon which they will comment. Any spokesperson, appointed pursuant to Section II (6)(a), who shall desire to speak at a meeting of Common Council, or a Council Committee shall fill out a form stating her or his name, the name, if any, of the group she or he represents, the names of those persons that the spokesperson is designated to represent, and the topic upon which they will comment. If a person identifies himself or herself as a member of such a group, he or she may not exercise the individual right to address council or committee at the same meeting. In completing this card or form each speaker will be affirming that they have read and understand the posted Rules of Conduct. Upon speaking, each person shall verbally state their name, the municipality in which they reside, and the name of the group they represent, if any, for the record.
 - 4) Members of the public addressing the Mayor, Common Council, or a Council Committee shall do so in an orderly manner.
 - 5) No person shall shout, use foul language, throw or slam anything or engage in any other form of disruptive behavior.
 - 6) No member of the public shall approach Common Council members, the Mayor or City staff seated at the Council table, except as detailed in Section III, v. 7, or upon request of the Chair or a majority of the body.
 - 7) Speakers shall give any written materials to the City Clerk or City staff for distribution to Common Council and Committee members.

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8) If a member of the public fails to follow the Rules of Order, the Chair shall ask the member of the public to take her or his seat or, if seated, the Chair shall ask the member of the public to cease any behavior in violation of the Rules of Order.

9) If a member of the public fails to sit down after being asked, or continues with outbursts or other behavior prohibited by these Rules of Order while in the audience, the Chair shall ask the member of the public to leave the room.

10) If a member of the public fails to leave the room after being asked or continues with other behavior prohibited by the Rules of Order, the member of the public will be subject to arrest on the charge of Obstructing Governmental Administration.

IV. Standing Committees

The Mayor shall appoint, at the first meeting of the Common Council in each year Or as soon thereafter as may be, all standing committees required by the rules of the Common Council and all special committees of the Common Council.

V. Acting Mayor and Alternate Acting Mayor

- i. In case the Mayor shall be unable to perform the duties of the Mayor's office in consequence of sickness or absence from the city or if there shall be a vacancy in the office, at the first meeting in each year or as soon thereafter as may be practicable, the Common Council shall appoint by ballot one of its members to preside at the meetings, and the presiding officer thus chosen shall be vested with all the powers and perform all the duties of the Mayor of the city, except as provided in the City Charter § C-33A(1), until the Mayor shall resume the duties of the office or the vacancy shall be filled for the unexpired term by election according to law. The officer so appointed shall be styled "Acting Mayor" and shall sign all necessary papers with his/her name, adding thereto the words "Acting Mayor."

- 1) The Acting Mayor shall not be vested with the voting powers of the Mayor as described in the City Charter § C-30, but shall instead exercise the voting rights afforded Council members other than the Mayor.

- ii. The Common Council may in the same manner appoint another of its members as Alternate Acting Mayor, to assume all the powers and perform all the duties of the Mayor of the city in the same manner and fashion as the Acting Mayor whenever the Acting Mayor is required to assume the powers and duties of the Mayor's office but is unable to do so in consequence of sickness or absence from the city.

VI. Receipt of Reports

- i. The Common Council may vote to ACCEPT in whole or in part the report of any person, consultant, committee, task force, or other group. Acceptance is hereby defined to mean that the Common Council acknowledges receipt of the report and thanks its author for it.
- ii. The Common Council may vote to ENDORSE any such report in whole or in part. Endorsement is hereby defined to mean that the Common Council acknowledges receipt of the report, thanks its author for it, and concurs in its findings and/or recommendations.

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- iii. The Common Council may vote to ADOPT any such report in whole or in part. Adoption is hereby defined to mean that the Common Council acknowledges receipt of the report, thanks its author for it, and formally commits itself to implementing its recommendations.
- iv. The Common Council may vote to REJECT any such report in whole or in part. This may be done either by voting down an acceptance or an adoption resolution, or by passage of a resolution of rejection. Such a resolution means that while the Common Council has received the report, it finds it unsatisfactory and/or does not choose to implement its findings.

VII. Vacancies

- i. In the event that a vacancy is created on Common Council pursuant to Article 3 of New York State Public Officers Law, Council shall fill such vacancy until the next regularly scheduled municipal election.
- ii. A Council Selection Committee shall consist of:
 - a. The Mayor;
 - b. The Council member from the same Ward in which the vacancy has been created;
 - c. Another member of Council as selected by the Mayor.
 - i. Within 7 days of the receipt of written notice of the creation of a vacancy, the City Clerk shall post a notice of vacancy and request that interested candidates submit an application to the City Clerk.
 - ii. The Council Selection Committee shall review applications and schedule a meeting at which candidates have the opportunity to present themselves and answer questions.
 - iii. The Council Selection Committee shall, within 30 days of the posting of the vacancy by the City Clerk, present a recommended candidate to Common Council for a vote. The candidate shall be approved upon majority vote of Common Council.
 - iv. Approved candidates shall be seated at the next Common Council meeting.
- v. In the event that Common Council does not approve the recommended candidate, the Council Selection Committee shall have the option of presenting an alternate candidate at the same meeting, or tabling the recommendation until the next Common Council meeting.

VIII. Removal of a Council Member

Common Council may initiate the removal of a Common Council member for misconduct or abrogation of duties, otherwise being unfit for services OR pursuant to New York State Public Officers Law 30(1), for failure to maintain residence in the Ward for which the member was elected, as defined in City Code § 90-67(B)(2).

- i. Robert's Rules of Order shall govern the process for investigating a claim that a member is unfit for membership and ultimately removing a Common Council member from office.
- ii. Removal of a Common Council member shall create a vacancy, pursuant to Article 3 of New York State Public Officers Law, which shall be filled as outlined in Section VII above."

IX. Rules of Procedure

In any matter of procedure not governed by these rules, the Common Council shall be governed by Robert's Rules of Order.

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X. Amendment and Suspension of the Rules

- i. These rules shall not be altered or amended except by two-thirds vote of the entire Common Council, and then only after at least one week's notice accompanied by a written or printed copy of the proposed alteration or amendment.
- ii. These rules may be temporarily suspended by a two-thirds vote of the Common Council.

XI. Communication and correspondence with Council Members and the Public

XI. A Communications between Council Members and Staff

XIA - 1. Council members who need information from City staff to assist them in developing policy or in responding to a request from a constituent, shall transmit information requests to the department head or directly to the department staff.

XIA - 2. Whenever Council members seek information directly from departmental staff, the following procedures should be pursued since individual Council members do not supervise staff nor do they establish or change programs.

- 1) If the information request is more than minimal in terms of staff time required, the Council member should direct the inquiries to the Mayor or the chair of the committee to which the department reports. If the Mayor or the committee chair declines to authorize the request, an appeal may be made to the appropriate committee; and if that fails, to the whole Council.

XIA - 3. A. Council member should never attempt to influence the conduct of a staff person on the job. Any concerns that a Council member has about a staff person's conduct on the job or job performance should be directed to the Department Head, the Mayor, the Human Resources Director or the appropriate committee.

- 1) In the event that any Council member does so attempt to influence the conduct of a City staff member on the job, the staff person should bring this to the attention of the department head who will in turn notify the Human Resources Director, the Mayor and the Chair of the committee to which the department reports.

B. Use of Council letterhead

XIB - 1 The primary use of Common Council letterhead stationery is to communicate official Council positions on matter of public concern. These positions may be communicated by members of Council designated to speak for the whole when a majority of Council members have consented.

XIB - 2- A secondary use of Common Council letterhead stationery is to allow individual Council members to express views regarding matters of official City business. In these instances it shall be clear that that the opinion expressed by the Council member is that member's opinion only and may not be the official opinion of the City or Council as a body.

XIB - 2 - a - When expressing her/his own position on City letterhead, a Council member shall use letterhead designating her/his office, e.g. "Ezra Ithacan, Sixth Ward Alderperson, Common

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Council, City of Ithaca." This personal letterhead may also be used, for example, for letters of reference or recommendation if the Alderperson, in her/his capacity as a City official, has known the subject.

XIB – 2 – b – When two or more Council members collaborate to express a view not officially advocated by the majority of Council, those Alderpersons may electronically design their own joint letterhead indicating their names and offices, or use Council letterhead, but in either case shall explicitly state in the letter that their view is not that of the majority or the official view.

XIB – 3 – Council members shall not use City letterhead stationery or the City logo for their private correspondence or on behalf of private individuals or organizations. Correspondence on letterhead should never give the appearance of using the office of Alderperson for personal gain or influence.

C. Access by telephone.

XIC -1. Council members shall maintain and publicize a local telephone number such that members of the public can be reached by telephone without incurring long-distance fees.

XII. Budget Review Meetings.

- i. After receiving the Mayor's proposed budget, the Common Council shall conduct a committee meeting (or series of committee meetings) for the purpose of reviewing the proposed budget, receiving presentations from City departments and agencies and affected City-sponsored programs, considering possible modifications to the Mayor's budget, conducting two or more public hearings on the budget (in addition to the public hearing required at the regular Common Council meeting in November), and recommending a proposed budget to be voted upon by the Common Council at a regular or special Common Council meeting.
- ii. The afore-mentioned budget review meetings shall be considered to be Committee of the Whole (COTW) meetings and shall be subject to the following procedural rules:
 - a. The COTW shall consist of the full membership of Common Council, including the Mayor.
 - b. These COTW meetings shall be organized by the committee of Common Council charged with budget and finance matters (i.e., the City Administration Committee or whichever successor committee is responsible for budget and finance matters).
 - c. A quorum for purposes of conducting business shall be a simple majority of the whole membership of Common Council, i.e., six members, and the Mayor shall not count toward said quorum.
 - d. The Mayor shall not be entitled to vote except to break a 5-5 tie in the vote of the other members of the COTW.

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- e. The budget review COTW meetings shall be chaired by the chairperson of the committee of Common Council that is charged with budget and finance matters (i.e., the City Administration Committee or whichever successor committee is responsible for budget and finance matters).
 - f. All budget review COTW meetings are subject to the Open Meetings Law, and are, therefore, open to the public and require advance notice as provided by law. However, with the exception of those COTW meetings, which are specifically designated as "public hearings," members of the public shall not be entitled to make public comment at the COTW meetings, unless the COTW decides otherwise by majority vote. For those COTW meetings that are specifically designated as "public hearings," or at any other COTW meeting where the public has been permitted to comment, the same rules as to public comment which are applicable to regular Common Council meetings or other Council committee meetings shall apply.
 - g. At the first meeting in any year of the budget review COTW, the Mayor's proposed budget shall be moved (and seconded) for recommended approval by Common Council, for the sake of discussion and possible amendment. Thereafter, including at subsequent COTW meetings, the chair shall entertain proposed amendments to the Mayor's budget, with regard to any line or amount therein, which proposed amendment shall require a second in order to be considered. For passage by the COTW, any such amendment shall require the affirmative vote of at least six of those COTW members present. Following the consideration of all proposed amendments, the COTW shall vote on a recommendation, to Common Council, of a proposed budget, including any amendments which have been acted upon affirmatively by the COTW. If for any reason the COTW is unable to make such a recommendation, then the Mayor's proposed budget shall be moved for discussion at a Common Council meeting following the completion of the scheduled budget review COTW meetings.
 - h. Except as otherwise provided for herein, the meetings of the budget review COTW shall be governed by Robert's Rules of Order.
- iii. Nothing herein is intended to restrict the ability of the Common Council to amend the proposed budget at a Common Council meeting, prior to its adoption.