

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING NEW SECTIONS 110.300 ET SEQ. PROVIDING FOR RULES OF PROCEDURE FOR CONDUCT OF THE BUSINESS IN MEETINGS OF THE BOARD OF ALDERMEN AND REPEALING RESOLUTION 03-16-06-001 THAT PREVIOUSLY SET OUT SUCH RULES AND RENAMING AND RENUMBERING ARTICLE IV COMMUNITY EVENT SUPPORT

WHEREAS, The Board of Aldermen is desirous of adopting rules for the proceeding of the Board and simplifying the procedures for the conduct of the Board's meeting including consideration of ordinances, resolutions, motions, and all other public business that comes before the Board and,

WHEREAS, the Board of Aldermen hereby finds Resolution 03-16-06-001 is in need of updating and the use and presence of electronic media making remote participation a reality mandates the creation of a clear set of rules for such participation and,

WHEREAS, the Board of Aldermen conclude that clear rules of proceeding will reduce the possibility of confusion and aid the public and staff in following and understanding the Board's work on behalf of the City and its residents:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. That Resolution 03-16-06-001 previously adopted on March 16, 2006 for the purpose of setting out rules of procedure for the conduct of the business and meeting of the Board of Aldermen be and is hereby repealed. Section 110.220 is hereby repealed.

Section 2. That existing ARTICLE IV. MISCELLANEOUS REGULATIONS containing Section 110.300. Expenditures From Community Promotions — Community Event Support Budget Item contained within Chapter 110 of the Code of Ordinances be and is hereby renamed and renumbered as ARTICLE V COMMUNITY EVENTS and existing Section 110.300 is hereby renumbered as Section 110.400 Expenditures From Community Promotions-Community Event Support Budget Item.

Section 3. A new ARTICLE IV MEETINGS OF THE BOARD OF ALDERMEN containing new Sections 110.300 et seq is hereby enacted as follows:

Section 110.300 Procedures for the Conduct of Business - Purpose.

These rules are intended to provide a clear set of procedures for the governance of business of the Board of Aldermen and any subcommittees of the Board of Aldermen and all other committees established by the City. These rules replace provisions of Roberts Rules of Order, except that Roberts Rules may, in the discretion of the Chair of the

meeting, be used to inform the decision of the presiding officer if these rules do not address a procedural question. Only procedural motions set out below within these rules shall be entertained. Any procedural motions contained in Robert's Rules of Order but not created within these rules shall be ruled out of order. The intent of these rules and the decisions of the Chair shall be guided by the following principles:

1. The Board of Aldermen must act as a body.
2. The Board of Aldermen should proceed in the most efficient manner possible.
3. The Board of Aldermen must act by at least a majority of the members of the body.
4. Every member must have an equal opportunity to participate in decision making.
5. These rules of procedure must be followed consistently.
6. The Board retains the right to act with unanimous consent on any matter provided such action is permitted by and consistent with the laws of the State of Missouri.

Section 110.310. - Time of Board of Aldermen meeting and calling of special meetings.

The Board of Aldermen shall meet in regular session in the Board room of the City Hall at the hour of 6:00 P.M. on the first and third Thursdays of each month. When any such meeting day is a holiday, the regular meeting shall be held at such time as may be provided by the Board. The Board may, by motion, dispense with any regular meeting, but at least one (1) meeting, regular or special, must be held in each calendar month. A videoconference meeting or any meeting in which some or all members participate through videoconference as permitted by Section 110.125, shall count as a regular public meeting. The Mayor, upon the Mayor's own motion, may, or at the request of two (2) members of the Board of Aldermen shall, call a special meeting of the Board of Aldermen.

Section 110.320 - Quorum.

At least four (4) of the members of the Board of Aldermen shall constitute a quorum for its business, but a smaller number may meet to compel the attendance of absent members in the manner and subject to the penalties prescribed by ordinance, and the names of the absentees shall be noted by the City Clerk upon the journal.

Section 110.330 - Presiding officer.

The Mayor shall be Presiding Officer of the Board of Aldermen. During any absence or disability of the Mayor, the President of the Board of Aldermen shall assume the powers and duties of the Mayor. If neither the Mayor nor the President of the Board of Aldermen shall be in attendance at any meeting of the Board of Aldermen, the Board of Aldermen members present, a quorum being found, shall elect from among their number a presiding

officer until the conclusion of that meeting or until the Mayor or the President of the Board of Aldermen shall be present.

Section 110.340 - Order of business.

A. The order of business in a regular Board of Aldermen meeting shall be contained in the official agenda published in accordance with the Missouri Sunshine Law. Such agenda items included herein below shall be included in the agenda and shall be in the following order unless amended by the Mayor as provided by Subsection B herein below:

1. Call to order by the Mayor.
2. Pledge of Allegiance
3. Roll Call
4. Mayor's opening remarks
5. Public comments. Each speaker shall be limited to three (3) minutes unless the presiding officer shall extend the time which in any event shall not be extended more than twice.
6. Approval of consent agenda. Items on the consent agenda are routine business matters; or, proposed ordinances approved unanimously by the Board of Aldermen on First Reading. Consent agenda items shall be removed upon the request of any Aldermen prior to approval of the agenda for discussion as part of the regular agenda. A consent agenda item shall be removed from the consent agenda after approval of the agenda upon the consent of the Board of Aldermen.
7. Old Business Ordinances on the agenda for second reading or items held over from a prior meeting
8. New Business Proposed ordinances for approval and are presented to the Board of Aldermen for two (2) readings and adoption.
9. Staff comments.
10. Board of Aldermen comments.
11. Mayor's concluding comments.
12. Adjournment. Unless determined otherwise by the Mayor and Board of Aldermen, no new agenda items shall be considered after 11:00 p.m.

B. The order of business described above may be changed by the Mayor at any time prior to the approval of the agenda by the Board of Aldermen if, in the Mayor's discretion, he or she believes that such a change would allow for a smoother transaction of business.

Section 110.350. - Public Comments

During public comments section of the meeting, the public may address Board of Aldermen on any matter listed in the Board of Aldermen agenda for the meeting or directly related to the operations of the City of Osage Beach, except for those matters that are the subject of a public hearing requiring that testimony be sworn. Any person

requesting time to speak to the Board of Aldermen during the public comments portion of the meeting must sign in giving the speaker's name and address. Remarks must be confined to the items on the agenda or the general subject of the operations of the City of Osage Beach. The person will be given no more than three (3) minutes to speak. Should the speaker yield to a question from an Aldermen, the time yielded shall not be included in the three (3) minutes. Members of the public will be ruled out of order if their comments stray from the agenda item(s) or general subject related to the operations of the City of Osage Beach. During public comments Aldermen may address a speaker on the speaker's issue, unless such matter is the subject of current litigation involving the City.

Section 110.360 - Board of Aldermen comments.

The Board of Aldermen comments section of the agenda is reserved for discussions among the Board of Aldermen. Any member of Board of Aldermen may use this time to comment on items on the agenda or the general subject of the operations of the City of Osage Beach. At the discretion of the presiding officer, directions to staff, including requests for legal opinions, may result from these discussions.

Section 110.370 - Staff comments.

The staff comments are reserved for items of general interest, community announcements and other such information. Staff may ask for clarification or direction from the Board of Aldermen related to items on the agenda or for items of an emergency nature for which insufficient time exist for adding to the agenda. During staff comments staff may address a public comment, unless such matter is the subject of current litigation involving the City.

Section 110.370 - Rules of order.

The following rules of order shall be used to govern the transaction of business for the Board of Aldermen and any Committee created by the board or Aldermen of the city code:

Rule 1. *Action by the Board of Aldermen.* The Board of Aldermen shall proceed by motion unless otherwise provided for herein. Any member of the Board of Aldermen may make a motion except the Mayor. The President of the Board of Aldermen when presiding may, however, make a motion. A substantive motion is a motion to adopt an ordinance or resolution, a motion to approve an expenditure previously authorized by the ordinance adopting the annual budget. A procedural motion is a motion concerning the business of the board or any other motion not defined as a substantive motion.

Rule 2. *Second required.* A second to any motion shall be required to allow consideration and debate on any procedural or substantive motion.

Rule 3. *Positive Motions.* All motions shall be offered in a positive manner such as a "Motion to approve, or Motion to Adopt." Negative motions, motions to not

do an act or disapprove shall be out of order as applied to bills, ordinances, or resolutions on the agenda. As to any item properly noticed on the agenda the Board may make a motion to express its disapproval of an idea or a concept, but such motion shall have no force of effect upon any substantive bill, ordinance or resolution.

Rule 4. *One (1) motion at a time.* An Aldermen may make only one (1) motion at a time.

Rule 5. *Substantive motion.* A substantive motion is out of order while another substantive motion is pending.

Rule 6. *Adoption by a majority vote.* Any substantive motion to adopt any ordinance or resolution may be adopted only by a majority of the entire Board of Aldermen including the Mayor, unless a greater number of votes are required by these Rules, or the Charter or State law provisions. Thus a substantive motion must pass by at least four out of the six currently authorized members of the Board or in the case of a three to three tie vote, the mayor's voting in the affirmative. Any procedural motion may be adopted by a majority of the Board of Aldermen present and voting.

Rule 7. *Voting.* All votes taken during any Board of Aldermen meeting or Board of Aldermen Committee meeting shall be cast by members of the Board of Aldermen physically present and in attendance at the meeting or by a member attending electronically as such voting may be permitted by Section 110.125 of this Code. Voting shall be either by voice vote or roll call vote and the ayes and nays shall be recorded in the journal. In all roll call votes the names of the members of the Board of Aldermen shall be called randomly. A majority of the members of the Board of Aldermen shall constitute a quorum for its business, but a smaller number may meet to compel the attendance of absent members in the manner and subject to the penalties prescribed by ordinance. Except as otherwise provided in this Charter, the affirmative vote of a majority of the entire Board of Aldermen shall be necessary to adopt any ordinance. Any ordinance to amend the Code of Ordinances which is defeated shall not be reintroduced within the next six months.

Rule 8. *Debate.* The Chair shall state the motion and then open the floor to debate. The Chair shall preside over the debate according to the following general principles:

The maker of the motion is entitled to speak first.

A member who has not spoken on the issue shall be recognized before someone who has already spoken.

Rule 9. *Ratification of Actions.* To the extent permitted by law, the Board of Aldermen may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 910 *Procedural motions.*

(a) *Only Certain motions allowed.* In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) *Order of priority of motions.* In order of priority (if applicable), the procedural motions are:

Motion 1. *To adjourn.* This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall state the time and place when the meeting shall reconvene provided that such time and location comply with the requirements of R.S.Mo.. Ch. 610. If a motion to adjourn is made without reference to a time and place certain, the Board of Aldermen shall reconvene at such time and place as stated in the previously approved meeting schedule.

Motion 2. *To take a brief recess.* This motion may be made to allow a short recess of the Board of Aldermen. In no event shall a motion to recess provide for a recess longer than thirty (30) minutes. The Mayor may call for a brief recess following completion of an agenda item but for no longer than fifteen (15) minutes unless a specific reason for a longer recess is stated.

Motion 3. *To suspend the rules.* The Board of Aldermen may suspend any procedural rule not required by statute, the City Charter or any other law upon motion and the affirmative vote of a two-thirds ($\frac{2}{3}$) majority of the entire Board of Aldermen. This motion is debatable but may not be amended.

Motion 4. *To postpone (to postpone to a date certain).* The Board of Aldermen may defer a substantive motion or item of business for later consideration at a specified date. Any such motion shall state the specific date where the item will be considered. The item will then return to the agenda on the specified date without further action by the Board of Aldermen. If a motion to postpone does not contain a specific date for the return of the item to the agenda the City Clerk shall place the item as Old Business upon the next agenda.

Motion 5. *To amend.*

- (a) An amendment to a motion must be pertinent to the subject matter of the main motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original main motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.
- (b) Only one motion to amend may be considered at a time. A motion to amend must be adopted or rejected before a subsequent motion to amend will be considered.
- (c) Any amendment to a proposed ordinance or resolution shall be reduced to writing by the City Clerk and read back to the Board before the vote on the amendment.
- (d) No motion or proposition on a subject different from that under consideration shall be allowed or permitted as a proposed amendment.

Motion 6. *To end debate.* The motion, upon approval, shall cause the immediate end of debate on the item. The motion is debatable but may not be amended. The motion is not in order until there have been at least twenty (20) minutes of debate and every member has had an opportunity to speak once. No such motion shall be effective unless it shall receive a second and the affirmative vote of two-thirds ($\frac{2}{3}$) of the entire Board of Aldermen including the Mayor.

Motion 7. *To reconsider.* The Board of Aldermen may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side. In the event of a tie, those voting "no" shall be considered on the prevailing side. Motions to reconsider actions taken by the Board of Aldermen may be made at the same regular or special session meeting of the Board of Aldermen where the vote being moved to be reconsidered was taken; or, at the next regular or special session meeting of the Board of Aldermen after the meeting where the vote being moved to be reconsidered was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting. Upon approval, any such motion shall cause the item to be placed on the agenda as old business at the next regular meeting of the Board of Aldermen.

Motion 8. *To direct the City Administrator or other appointed Official.* Any Aldermen may make a motion to direct the City Administrator or other appointed official to take such action as the Board of Aldermen deems proper and necessary for the efficient governance of the City provided such direction is otherwise consistent with the Charter of the

City. The motion requires the affirmative vote of a majority of the entire Board of Aldermen to be adopted.

Motion 9. *To go into closed session.* The Board of Aldermen may go into closed session only for one (1) or more of the permissible purposes listed in R.S.Mo.. Ch. 610 or as otherwise provided by law. The Board of Aldermen shall commence a closed session only after a motion to go into closed session has been made and adopted by the roll call vote of a majority of those present and voting during an open meeting. The motion shall state the purpose of the closed session. The Board of Aldermen shall terminate the closed session by a majority roll call vote, using a motion to adjourn or upon the finding of the Chair that there is unanimous consent of the Board the meeting is adjourned and shall be recorded in the minutes as so agreeing.

Rule 10. *Withdrawal of motion or second.* Any motion or second may be withdrawn by the maker without the consent of the other at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

Rule 11. *Duty to vote.* Each Aldermen shall vote upon every question. A member may abstain from voting only after disclosure, to be recorded in the minutes, of the actual or potential conflict of interest. In all cases, an abstention shall be treated as a vote that is not cast for or against the motion and shall not be counted for the purpose of determining the result of the vote.

Rule 12. *Special rules of procedure.* The Board of Aldermen may adopt special rules of procedure for matters constituting special circumstances. Any such rule shall be adopted only upon the affirmative vote of two-thirds ($\frac{2}{3}$) of the members of the entire Board of Aldermen including the Mayor.

Section 4. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 5. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous

to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 6. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: January 19, 2023 READ SECOND TIME: February 2, 2023

I hereby certify that Ordinance No. 23.02 was duly passed on February 2, 2023, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	5	Nays:	0
Abstentions:	0	Absent:	1

This Ordinance is hereby transmitted to the Mayor for his signature.

February 2, 2023
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 23.02.

Michael Harmison
Michael Harmison, Mayor

February 2, 2023
Date

Tara Berreth
Tara Berreth, City Clerk