

COUNCIL PROCEDURES

THIS IS PARLIAMENTARY LAW – HOW A GOVERNING BODY OPERATES WITH EFFICIENCY

HOW TO CONDUCT BUSINESS

HOW TO HANDLE TIGHT PLACES

HOW TO EXCEL

HOW TO DEAL WITH SPECIAL PROBLEMS

HOW TO AVOID HOLES IN THE ICE

HOW TO DEAL WITH THE “CAVE PEOPLE”

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GOVERNMENTS/OFFICES REPRESENTED

- **Villages** powers from statutes
 - ✓ Trustees – everybody votes
- **4th class cities** powers from statutes
 - ✓ Mayor votes only in case of tie
 - ✓ Aldermen
- **3rd class cities** powers from statutes
 - ✓ **Statutory**
 - ✓ **City manager form**
 - ✓ Council members
- **Home Rule Charter cities** powers from charter



DIFFERENT PERSPECTIVES

- **Mayors**
- **Elected council members and alder persons**
- **City clerks and assistants**
- **Police departments**
- **City legal staff**
- **City manager/administrators**



THREE ESSENTIALS:

Be aware of potential problems

Lean toward the centerline

Learn to use your professionals



BASICS – APPLICABLE LAW

United States Constitution

↓
Missouri Constitution

↓
Revised Missouri Statutes

↓
Common Law

↓
Municipal Ordinances

↓
Standing Orders

↓
Custom

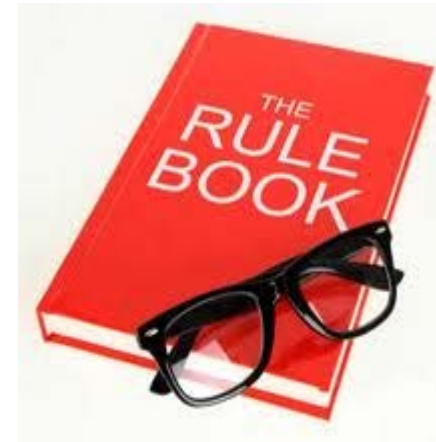
Upper trumps all below!



PARLIAMENTARY PROCEDURE

THE BASICS

- **Location and time of regular meetings**
- **Special meetings**
- **Order of business- agenda**
- **Rules of conduct**
- **Appoint a parliamentarian**
- **Minutes**

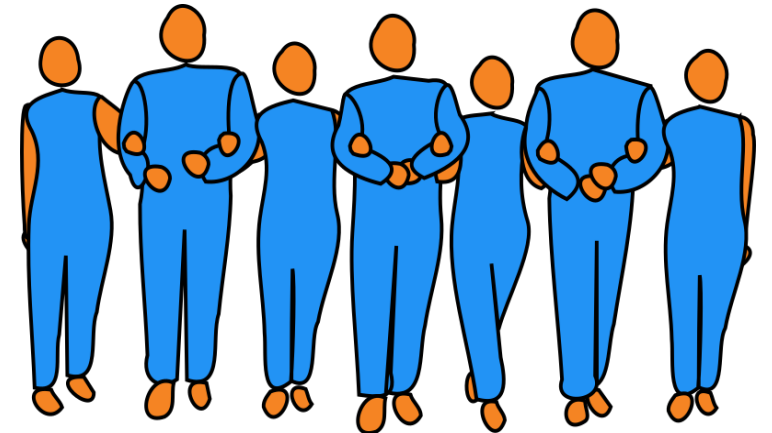


WHY ADOPT?

1. To govern meetings
2. To permit majority rule but respect to minority
3. To allow deliberation before decision

HOW?

1. Ordinance in municipalities
2. By-laws in political corporations



AGENDA

Very important -

- 1. To control meeting**
- 2. To give the public notice of purpose of meeting**

Reinforced strongly by Sunshine Law



FORMS OF AGENDA

- **Call to order**
- **Salute flag**
- **Prayer** – okay legislatively, not okay school boards – cannot advance any one religion
- **New business**
- **Old business**
- **Hearings**
- **Reports**
- **Executive sessions**
- **Adjournment**

PARLIAMENTARY PROCEDURE

KNOW YOUR ROLE

- **Mayor/Chairperson:**

- Presides over meeting
- Conducts the meeting
 - Call meeting to order
 - Determine a quorum is present
- Sees that rules are observed

- **Board or Council/Members:**

- Speak when recognized to have the floor
- Makes/seconds motions



DIFFERENCE BETWEEN RESOLUTION & ORDINANCE

- **Ordinances:**

- The legislative acts of a governmental body.
- Creates a new local law, new authority for local government agents to act.

- **Resolutions:**

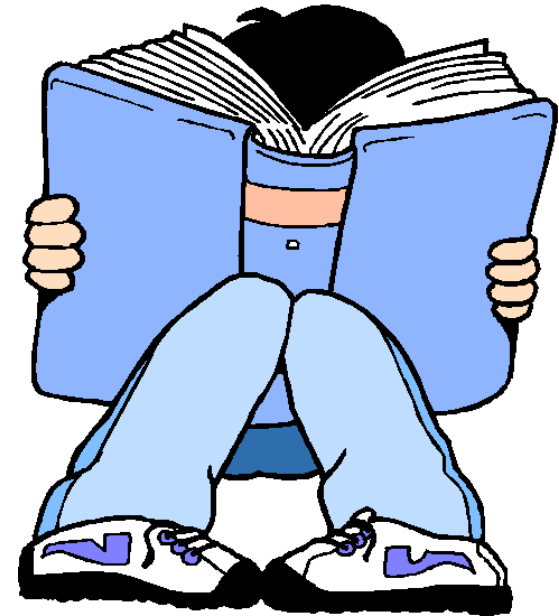
- A resolution is ministerial in character rather than legislative, and it relates to the administrative business of the municipality.
- Often used as an expression of opinion.



PARLIAMENTARY PROCEDURE

ORDINANCE CONTENT & ADOPTION

- **Must be in writing**
- **Must include title or subject**
- **Recitals or preamble**
- **Enacting clause: “Be it ordained by...”**
- **Must be properly read**
 - ❖ **In full or title only**
- **Passed by “Majority of the members elected to...”**
- **Vote recorded in the minutes**
- **Signed by the Mayor**
- **Effective date**
- **Severability clause**



RESOLUTIONS

- **A resolution is not an ordinance.**
- **A resolution usually deals with matters of a special or temporary character.**
- **A resolution may express the opinion or state of mind of the governing body, or it may relate to the administrative or ministerial aspect of the entity.**
- **A resolution has no particular form in the absence of a statutory or charter requirement.**
- **Unless required by charter, a resolution does not require formalities of procedure for approval.**
 - **Does not need to be signed by the Mayor**
 - **Voice vote**

PARLIAMENTARY PROCEDURE MOTIONS

- **Make clear & concise motions**
- **Motions should be stated in the affirmative:**
 - ❖ **Yes: “I move to deny...”**
 - ❖ **No: “I move to not approve...”**
- **Motions must be seconded**
- **Chair states the question – may seek clarifications**
- **Debate**
- **Call for the question (Vote)**
- **Chair announces result**

TYPES OF MEETINGS

- **Regular** set by statute, charter, ordinance, or board resolution
- **Special** called by Mayor or two council people
- **Adjourned** can use for lack of quorum
 - *Better practice call a special*



THE VIGILANTE PROBLEM

- **Governmental body must act by the vote of the majority.**
- **Respect for the decision.**



“CAVE” PEOPLE CITIZENS AGAINST VIRTUALLY EVERYTHING



- **Every form of complaint**

- **Budget is inflated,**
 - **Bond issue too high or too low**
 - **Improvements not needed**
 - **You made your mind up in the back room**
 - **Eventually fire up the masses**



- **A tragedy for elected leaders**

- **Vocal, resilient, persistent**



- **Intelligently manage Or Surrender the city**

THESE CONFRONTATIONS ONLY GO DOWNHILL!

Do not allow council & leaders to become combatants

- 1. The Key – council must listen – not argue**
- 2. Educate all – through staff/3d parties**
- 3. Use your professionals – get courteous explanations**
- 4. Place the issue on the agenda**
- 5. Public hearing – use “5 minute rule”**
- 6. Bring staff aboard – prepared – provide feedback**
- 7. When time to say no – do with explanation**
- 8. Never allow council/staff to argue or debate with caveman**



DO NOT BECOME THE DRAGON

**They can't raise an army unless they can
point to a dragon**

Be genuine – warm and friendly

The tug of war is for public understanding

You may never win with the cave man

But you will win or lose with the public!

Citizens respect leaders going an extra mile!

**Keep contact – dynamics will change – hard to tell crusader
from reckless troublemaker**



SPECIAL SUBJECTS – CITY CAN BE BURNED- PUNITIVE \$, FEES/COSTS

- Many ordinances track enabling statutes (must remain consistent)
 - ❖ Condemnation
 - ❖ Housing
 - ❖ Land use
 - ❖ Proprietary functions
 - ❖ Commissions
- Many personnel problems are controlled by constitutional and common law rights
 - ❖ Notice, opportunity to be heard, - deprivation of property rights
- **ALWAYS** bring in legal staff on these! Often no insurance coverage.

