



CODE OF MEETING PROCEDURES

How to Aid Discussion by Asking the Right Questions

Questions are one of the most important tools you can use to obtain information, focus the group and facilitate decision making. Here are some samples:

Asking of Colleagues

What do you think the proposed action will accomplish?

Would you please elaborate on your position?

What results are we looking for?

How does this fit into our priorities?

Asking Staff

What alternatives did you consider?

What are we trying to accomplish with this?

What are the benefits and drawbacks?

Would you please explain the process?

Asking of the Public

How will this proposal affect you?

What are your concerns?

What other ways can you suggest for solving the issue?

Table of Contents

Definitions.....	Page 3
Meetings.....	Page 3
Agenda.....	Page 4
Motions.....	Pages 4-5
Voting	Pages 5-6
Ethics.....	Page 6

APPLICATION & AMENDMENT

For those matters not covered by these rules, the procedure shall be as decided by a majority vote of the City Commission. Adopted rules may be amended by a majority vote of the City Commission. The rules may not be suspended during any meeting.

**Adopted by the City of Newton
August 22, 2023**

DEFINITIONS

Section 1. Charter Ordinance. An ordinance exempting the City from a state statute; may also provide a local substitute for the state statute.

Section 2. City Commission. A body that includes all members of the Governing Body, as defined herein, other than the Mayor.

Section 3. Governing Body. For purposes of this document, the Mayor and Commission.

Section 4. Motion. A course of action formally proposed to the Governing Body by one of its members.

Section 5. Ordinance. A local law enforced with the full force and authority of the City.

Section 6. Quorum. A majority of the members of the City Commission. Quorum (3) is required for the Governing Body to take binding action.

Section 7. Resolution. A legislative act less formal than an ordinance and not having the force of law, typically expressing the opinion or mind of the City Commission or Governing Body, and generally dealing with matters of a special or temporary character or establishment of administrative policy.

MEETINGS

Section 8. Regular Meetings. Regular meetings of the Governing Body will be held on the second and fourth Tuesday of every month at 7:00 p.m., unless changed by the Governing Body. Pursuant to the Kansas Open Meetings Act (KOMA), all meetings except for executive sessions are open to the public.

Section 9. Special Meetings. Special meetings will be held only for a specific purpose. Special meetings may be called by motion, second, and majority vote of the Governing Body during a regular meeting. Special meetings also may be called by the Mayor or any two Commission members. The date, time, and purpose of a special meeting must be specified to the Commission in writing. Public notification of the date, time, and purpose of special meetings is given pursuant to the KOMA.

Section 10. Workshop. An informal meeting of the Governing Body. No agenda is required and no binding action may be taken. The Mayor chairs the workshop, or the Vice Mayor chairs in the Mayor's absence.

Section 11. Citizen's Forum. A section of the City Commission meeting providing the public with an opportunity to address the Commission on any subject relevant to the City government and its policies, operations, or services. Not all meetings will include a Public Forum.

*When a Citizen's Forum is offered, each person addressing the Commission shall provide their name for inclusion in the minutes of the meeting. All public comment must be made from the podium. Each presentation, whether by an individual or group, shall be limited to five (5) minutes.

** The Citizen's Forum period is not intended as a venue for introduction or endorsement of candidates for public office or as a venue for degrading or defamatory comments directed at or concerning a person, business or organization. Any person who abuses the Public Forum may be ruled out of order and directed to cease his or her presentation and leave the podium.*

AGENDA

Section 12. Agenda. Prior to each regular and special meeting, the agenda will be available to the public via the City's website (absent an emergency). The agenda is usually available on Friday afternoon for the meeting the following Tuesday but may on occasion be delayed due to unforeseen events.

Section 13. Setting Agenda. The City Manager is charged with setting the agenda.

Section 14. Agenda Items. Any Governing Body member or staff member may request that an item be placed on the agenda. Members of the public may not place an item on the agenda.

Section 15. Changes to Agenda. Off-agenda items may be added to and scheduled agenda items may be removed from the agenda at the beginning of a regular meeting. Items are added by motion approved by a majority of City Commission members present and voting. No items may be added to the agenda of a special meeting. Generally, the Governing Body will vote only on items contained in the agenda as printed and occasionally may find that a vote on new business items is warranted.

Section 16. Order of Business. At the hour appointed for the meeting, the Mayor shall call the meeting to order. The Vice Mayor shall chair the meeting in the absence of the Mayor. Upon determining that a quorum is present, the Governing Body shall proceed to business, which shall be conducted in the following order (although exceptions may be made occasionally):

- Call to Order
- Flag Salute
- Consent Agenda
- Regular Agenda
- Citizen's Forum
- Adjournment

Section 17. Consent Agenda. By request of a Governing Body member and with the approval of the City Commission by majority vote, any item may be removed from the consent agenda and considered separately. The remaining consent agenda items may be acted upon as one item.

Section 18. Order of Business, Suspended or Amended. By a majority vote of the City Commission, the order of business may be amended to add or delete sections or to change the order of business as appropriate, or may be suspended in its entirety to consider other matters. Executive sessions may be held at any time during a meeting.

MOTIONS

Section 19. Motion. Any Governing Body members can make a motion on the action to be taken.

Section 20. Second. All motions require a second before being considered by the Governing Body. If there is no second, the motion dies and a new motion can be made.

Section 21. Debate. All motions are debatable unless otherwise noted in the section governing that motion.

Section 22. Substantive Motion. Only one main substantive motion may be pending on the floor at any one time. A substantive motion must be withdrawn or advanced to vote before another substantive motion is introduced.

Section 23. Substitute Motion; Prohibited. Substitute motions are prohibited. Substantive motions must be withdrawn or advanced before another substantive motion is introduced.

Section 24. Motion to Amend. A motion to amend is in order when the proposal is to change, add, or delete words from the main substantive motion. If the motion is to amend a document before voting on its adoption, it is advisable to reduce the change to writing, but it is not required if all members of the Governing Body understand the amendment. A vote on an amendment is not a final vote on the underlying substantive motion. To pass the underlying substantive motion, either as presented or as amended, requires a vote.

Section 25. Motion to Refer or Table. If the Governing Body deems it appropriate, it may (A) refer an ordinance, resolution, contract or other matter back to staff or to a committee, board or other appropriate body for further review and consideration or table the matter. Such motion may or may not contain a certain time for the item to be returned to the Governing Body. A motion to refer or table is not debatable.

Section 26. Motion to Reconsider; Prohibited. Motions to reconsider are prohibited. Any Governing Body member may make a new substantive motion on a matter previously considered by the body.

Section 27. Motion to Recess to Executive Session. Closed (executive) sessions may be called for certain reasons. The most common topics are the following:

- Personnel matters of non-elected personnel;
- Consultation with attorney on matters deemed to be of attorney-client privilege;
- Data relating to financial affairs or trade secrets of second parties;
- Preliminary discussions about acquisition of real estate;
- Discussions about security matters; and
- Other lawful purposes pursuant to the Kansas Open Meetings Act.

The motion to recess to executive session shall be made as follows: “I move to recess to executive session for _____ (statement describing the subject to be discussed and the statutory justification for the executive session) and reconvene the open meeting here in the Commission Room at ____ p.m.” The motion may also state who is to be present in the executive session. This motion must be made, seconded and carried, and the complete motion shall be recorded in the minutes of the meeting. Upon returning from executive session, the Mayor (or another member) reports the time returned and that no binding action or decisions were made.

Section 28. Motion to Recess to a Later Date and Time. If the Governing Body is unable to complete its agenda during the time allotted for a regular or special meeting, the meeting may be recessed to another time and date. The motion shall state the time, place and date for the meeting to reconvene. If the motion is adopted, the meeting is recessed to the specified time, place and date.

VOTING

Section 29. Form of Vote. All votes shall be by either a voice vote or, in the alternative, the Mayor may request that a vote be by “show of hands,” or by a roll call vote performed by the City Clerk. No vote shall be by secret ballot.

Section 30. Voting Order. Each time a roll call vote is requested or required during a meeting, the City Clerk will rotate the voting order until each voting member of the Governing Body has had the opportunity to vote first.

Section 31. Division. The Mayor or any member may request a formal division of vote. At the discretion of the Mayor, division may be by either a poll of each member or a show of hands.

Section 32. Duty to Vote. Members of the Governing Body have a duty to vote, but may abstain because of a conflict of interest or other conflict that appears to make voting on an issue improper. Any member who abstains must state, for the purpose of its inclusion in the minutes, the reason for the abstention. For all purposes other than adoption of an ordinance, an abstention counts as a vote for the prevailing side.

Section 33. Recording. Upon final passage of a matter, the vote shall be recorded in the minutes.

Section 34. Non-Ordinance Matters. Unless otherwise specifically required by law, the adoption of resolutions and other motions shall be by a majority of those present. An abstention shall be counted with the prevailing side.

Section 35. Ordinary Ordinance. Adoption of an ordinary ordinance requires three (3) affirmative votes of the Governing Body.

Section 36. Charter Ordinance. Adoption of a charter ordinance requires two-thirds (3 of 5) affirmative votes of the Governing Body. The Mayor is considered a member of the Governing Body and votes on charter ordinances.

Section 37. Zoning Items. Adopting the recommendation (approval or denial) of the Planning Commission requires a simple majority (3 votes) of the City Commission. If the Planning Commission fails to make a recommendation on a zoning request, the City Commission should consider such inaction as a negative recommendation. Overriding the Planning Commission's recommendation (approval or denial) requires four (4) affirmative votes of the City Commission. Four(4) votes are required to overcome a valid protest petition.

Ethics

Government service and public sector employment is a public trust, and those who serve the public as part of its government must perform and discharge their duties consistent with the highest moral principles, serving always the best interests of the City and its citizens. Representative government is based upon the consent of the governed, under a system whereby every citizen has a right to expect those who govern or serve in the government to act not for themselves but for the governed as a whole. Because government can act only through its officials and employees, it is ever incumbent upon them, therefore, to honor the public trust and to instill confidence in government by their own integrity and conduct in all official actions.

Conflict of Interest

If a Governing Body member has a conflict of interest on a matter before the Governing Body, that person should publicly announce the conflict and excuse themselves from the discussion and voting until the matter has been addressed by the remaining Governing Body members.

If there is a question of real or perceived conflict of interest, the affected Governing Body member should contact the City Manager or City Attorney for an interpretation of the situation prior to the meeting.

Keeping Out of Trouble

The following are some common areas where you can get in trouble by violating state law or City code:

- Violating the Kansas Open Meetings Act (KOMA). Violation occurs when three or more Governing Body members meet in person, by telephone, via email, using social media, or by any other means of interactive communication for the purpose of discussing the business or affairs of the public body or agency.
- Conducting a “serial meeting” has been a particular concern under KOMA. A serial meeting involves successive interactive communications collectively involving a majority of the membership, such as by email or using social media, sharing a common topic of discussion concerning public business and intended by any participant to reach agreement on a matter that would require binding action.
- Not disclosing a conflict of interest during Governing Body deliberation or refraining from participating in discussion and/or from voting on something with which you have a conflict of interest.
- Disclosing information discussed in executive session to any person not present in the executive session.
- Not disclosing *ex parte* communications.
- Using your office for personal gain or profit.
- Social Media