

Monday  
July 22, 2013  
Gautier, Mississippi

**BE IT REMEMBERED THAT A REGULAR MEETING of the Mayor and Council of the City of Gautier, Mississippi was held July 22, 2013 at 3:30 PM in the City Hall Municipal Building, 3330 Highway 90, Gautier, Mississippi.**

Those present were Mayor Gordon Gollott, Council Members, Hurley Ray Guillotte, Casey Vaughan, Mary Martin, Rusty Anderson, Adam Colledge, City Manager Samantha Abell, City Clerk Cynthia Russell, City Attorney Robert Ramsay and other concerned citizens. Absent Council Member Johnny Jones

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**AGENDA  
MAYOR AND COUNCIL ANNUAL RETREAT  
CITY OF GAUTIER, MISSISSIPPI  
CITY HALL COUNCIL CHAMBERS  
July 22, 2013 @ 3:30 PM**

- I. Call to Order
  - 1 Prayer
  - 2 Pledge of Allegiance
- II. Agenda Order Approval
- III. Announcements **(None)**
- IV. Presentation Agenda **(None)**
- V. Public Agenda
  - 1 Agenda Comments
- VI. Business Agenda
  - 1 Order authorizing the City to enter into a service agreement with Burns Cooley Dennis, Inc. for Construction Materials Testing Martin Bluff Road Bridge Replacement
  - 2 Order authorizing the City to request additional funding from Gulf Regional Planning Commission for the Martin Bluff Road Widening and Improvement Project STP-9194-00(008)LPA/105069-801000
  - 3 Motion to enter into a Work Session and suspend Roberts Rules of Order
  - 4 Discuss Mayor and Council Roles and Responsibilities Manual
  - 5 Strategic Planning Session
- VII. Consent Agenda **(None)**

**STUDY AGENDA  
CITY OF GAUTIER, MISSISSIPPI  
July 22, 2013**

- 1 Discuss Citizen Comments
- 2 Discuss Council Comments
- 3 Discuss City Manager Comments
- 4 Discuss City Clerk Comments
- 5 Discuss City Attorney Comments

**Recess until July 23, 2013 at 3:30 PM**  
[www.gautier-ms.gov](http://www.gautier-ms.gov)

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Motion was made by Councilwoman Mary Martin to amend the agenda to add Business Items 3 – Authorization for City Manager to purchase easement south of Martin Bluff Road from Dirt Movers Inc. Motion was seconded by Councilman Colledge and unanimously carried. Councilman Johnny Jones was absent.

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**Announcements**

None

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**Presentation**

None

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There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 175-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City of Gautier is hereby authorized to enter into a service agreement with Burns Cooley Dennis, Inc. for Construction Materials Testing martin Bluff Road Bridge Replacement.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Councilman Colledge seconded by Councilwoman Martin and the following vote was recorded:

**AYES:** Gordon Gollott  
Mary Martin  
Hurley Ray Guillotte  
Casey Vaughan  
Rusty Anderson  
Adam Colledge

**NAYS:** None

**ABSENT:** Johnny Jones

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**MAYOR**

**ATTEST:**

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**CITY CLERK**

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 22, 2013.

**CITY OF GAUTIER  
MEMORANDUM**

**To:** Samantha Abell, City Manager  
**From:** Tricia Thigpen, Deputy City Clerk  
**Through:** Cindy Steen, City Clerk  
**Date:** July 18<sup>th</sup>, 2013  
**Subject:** Burns Cooley Dennis, INC.

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**REQUEST:**

City Council authorization is requested for the City of Gautier to enter into a service agreement with Burns Cooley Dennis, Inc. for Construction Materials Testing Martin Bluff Road Bridge Replacement. Estimated cost \$1,310.00.

**BACKGROUND:**

Burns Cooley Dennis, Inc will be providing the needed materials testing services for the Martin Bluff Road Bridge Replacement. The bridge will be replaced with culverts. Burns Cooley Dennis will provide services related to density testing of the soils placed around the culverts.

**RECOMMENDATION:**

Based on the attached information, City staff recommends that City Council authorize entering into a service agreement with Burns Cooley Dennis, INC. for Construction Material Testing Martin Bluff Road Bridge Replacement.

**ATTACHMENT(S):**

Burns Cooley Dennis, Inc Proposal

# BURNS COOLEY DENNIS, INC.

## GEOTECHNICAL AND MATERIALS ENGINEERING CONSULTANTS

### Branch Office

14140 Dedeaux Road, Suite C  
Gulfport, MS 39503  
Phone: (228) 832-0690  
Fax: (228) 832-0930

### Corporate Mailing Address

Post Office Box 12828  
Jackson, MS 39236

[www.bcdgeo.com](http://www.bcdgeo.com)

### Corporate Office

551 Sunnybrook Road  
Ridgeland, MS 39157  
Phone: (601) 856-9911  
Fax: (601) 856-9774

July 17, 2013

City of Gautier  
3330 Highway 90  
Gautier, Mississippi 39553

Revised Proposal No. G13-053

Attention: Samantha Abell  
City Manager

Re: Proposal for Construction Materials Testing  
Martin Bluff Road Bridge Replacement  
Gautier, Mississippi

Ms. Abell:

Thank you for your consideration of our firm in providing the needed materials testing services for the project. Mr. Jeff May, P.E. of Michael Baker requested this proposal. Mr. Chad Jordan, P.E. of ClearWater Solutions, LLC requested that the proposal be revised and sent to the City of Gautier.

The project includes the replacement of an existing bridge on Martin Bluff Road. The bridge will be replaced with culverts. We would provide services related to density testing of the soils placed around the culverts. We understand that work should take the City's crews 3 days to complete. We have been asked to make two trips to the site to perform testing.

We would work with the owner's field representative and contractor's field manager(s) to accommodate schedules, including later hours or early mornings and weekends, but request that we receive prior day's notification of needed testing. Invoices would be submitted monthly.

We have not been provided a construction schedule. We were provided design quantities, plan drawings, and a budget by Michael Baker Corp. to estimate the fee for providing testing services. We would invoice all field and laboratory testing on an hourly basis.

The following cost estimate is based on our understanding of the amount budgeted for testing for the project. The personnel rates include the use of vehicle and equipment as necessary to complete the assigned work.

Bailey Cooper would serve as the technical supervisor for field services for this project. All testing work would be performed under the direction of Jeff Williams, P.E. Please contact us if you have any questions. We look forward to providing testing services on this project.

Very truly yours,  
BURNS COOLEY DENNIS, INC.



Jeffrey W. Williams, P.E.  
Principal

bc/JWW/fyl

Copies Submitted: (1) Addressee

Attachments: Estimate

Estimated Fees for Soil Compaction Testing  
 BCD Revised Proposal G13-053 - Martin Bluff Road  
 July 17, 2013

| <b>Soil Field and Laboratory Testing</b>             | <b>Estimated<br/>No. Hrs.</b> | <b>Unit<br/>Rate</b> | <b>Fee</b>         |
|--|-------------------------------|----------------------|--------------------|
| Technician for Field and Lab Testing                 | 18                            | \$ 55.00             | \$ 990.00          |
| Senior Lab/Field Supervisor for Project Coordination | 2                             | \$ 70.00             | \$ 140.00          |
| Technical Typist                                     | 1                             | \$ 50.00             | \$ 50.00           |
| Senior Project Engineer for Report Review            | 1                             | \$ 130.00            | \$ 130.00          |
| <b>Estimated Total Fee</b>                           |                               |                      | <b>\$ 1,310.00</b> |

Notes:

- 1 Personnel rates include the use of vehicle and nuclear density gauge for soil testing.
- 2 Laboratory soil testing would be invoiced by the hour.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 176-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City is hereby authorized to request additional funding from the Gulf Regional Planning Commission for the Martin Bluff Road Widening and Improvement Project STP-9194-00(008)LPA/105069-801000.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Councilwoman Martin, seconded by Councilman Colledge and the following vote was recorded:

**AYES:** Gordon Gollott  
Mary Martin  
Hurley Ray Guillotte  
Casey Vaughan  
Rusty Anderson  
Adam Colledge

**NAYS:** None

**ABSENT:** Johnny Jones

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 22, 2013.

**CITY OF GAUTIER  
MEMORANDUM**

**To:** Samantha Abell, City Manager  
**From:** Chandra Nicholson, Director of Economic Development and Planning  
**Date:** July 19, 2013  
**Subject:** Request to Gulf Regional Planning Commission for Additional Funding for the Martin Bluff Road Widening and Improvement Project (STP-9194-00(001)LPA/105069-801000

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**REQUEST:**

The Economic Development and Planning Department requests City Council authorization to request additional funding from the Gulf Regional Planning Commission for the Martin Bluff Road Widening and Improvement Project.

**BACKGROUND:**

A need for additional funding has been identified since the City now has a better defined scope for the project, and constructions costs have increased since the original TIP estimate was prepared. See attached letter of request for details.

**DISCUSSION:**

The proposed revised funding amount is \$5,160,006.00 (\$4,128,005 Federal/\$1,032,001 Local) which is an increase of \$3,990,006.00

**RECOMMENDATION:**

City staff recommends that City Council approve the request to the Gulf Regional Planning Commission for additional funding for the Martin Bluff Road Widening and Improvement Project as presented.

City Council may:

1. Approve the request for additional funding as presented; or
2. Approve the request for additional funding with changes; or
3. Decline the request for additional funding.

**ATTACHMENT(S):**

Letter to Gulf Regional Planning Commission requesting additional funding

*Mayor*  
Gordon F. Gallott

# City of Gautier

## Gautier, Mississippi

*City Manager*  
Samantha D. Abell

*City Clerk*  
Cynthia Russell

*Council*  
*At Large Mary F. Martin*  
*Ward 1 Johnny Jones*  
*Ward 2 Hurley Ray Guillotte*  
*Ward 3 Casey C. Vaughan*  
*Ward 4 Charles "Rusty" Anderson*  
*Ward 5 Adam D. Colledge*



3330 Highway 90  
Gautier, MS 39553  
Phone: (228) 497-8000  
Fax: (228) 497-8028  
Email: [gautier@gautier-ms.gov](mailto:gautier@gautier-ms.gov)  
Website: [www.gautier-ms.gov](http://www.gautier-ms.gov)

July 23, 2013

Mr. David Taylor  
Gulf Regional Planning Commission  
1232 Pass Road  
Gulfport, MS 39501

RE: Gautier Martin Bluff Road Widening  
STP-9194-00(008)LPA/105069-801000  
Jackson County, Mississippi  
Request Increase in Project Funding

Dear Mr. Taylor:

The City of Gautier would like to request an increase in project funding for the Martin Bluff Road project which is currently listed on the TIP. The funding currently listed is \$1,170,000 (\$936,000 Federal/\$234,000 Local).

The city now has a better defined scope for the project and construction costs have increased since the original TIP estimate was prepared. In addition, right-of-way cost will be more than anticipated which will require the use of the earmark funds solely for preconstruction activities. The city would also like to include a multi-use pathway as part of the project. The proposed revised funding amount is \$5,160,006 (\$4,128,005 Federal/\$1,032,001 Local), which is an increase of \$3,990,006.

Please make this revision at your earliest convenience so we can move forward with revising our MOU with MDOT. If you have any questions please call Chandra Nicholson at 228-806-1285 or if you prefer you can e-mail her at [cnicholson@gautier-ms.gov](mailto:cnicholson@gautier-ms.gov). Thank you for your consideration and assistance in this matter.

Sincerely,

Samantha Abell  
City Manager

cc: David Seyfarth, MDOT District 6 Special Projects Engineer  
Chandra Nicholson, Director Economic Development & Planning  
File

MARTIN BLUFF ROAD WIDENING

PROJECT BUDGET

July 18, 2013

| Description                        | Total                      |                     | Local Share         | Earmark (2008<br>Appropriation) | Earmark<br>Safe-Tea Lu | STIP                |
|------------------------------------|----------------------------|---------------------|---------------------|---------------------------------|------------------------|---------------------|
|                                    | Estimated<br>Costs         |                     |                     |                                 |                        |                     |
| Preliminary Engineering (Design)   | \$ 611,800                 | \$ -                | \$ -                | 611,800                         |                        | \$ -                |
| ROW Negotiations                   | \$ 135,700                 |                     |                     | 135,700                         |                        | \$ -                |
| ROW Legal Fees                     | \$ 60,000                  |                     |                     | 60,000                          |                        | \$ -                |
| ROW Appraisals                     | \$ 58,300                  |                     |                     | 58,300                          |                        | \$ -                |
| ROW Review Appraisals              | \$ 32,450                  |                     |                     | 32,450                          |                        | \$ -                |
| ROW Property Costs                 | \$ 4,307,000               | \$ 1,105,250        | \$ 801,750          | \$ 2,400,000                    |                        | \$ -                |
| Utility Relocations                | \$ 100,000                 | \$ 20,000           |                     |                                 |                        | \$ -                |
| Construction                       | \$ 4,690,915               | \$ 938,183          |                     |                                 |                        | \$ 3,752,732        |
| Construction Engineering & Testing | \$ 469,092                 | \$ 93,818           |                     |                                 |                        | \$ 375,273          |
|                                    | <b>Total \$ 10,465,257</b> | <b>\$ 2,157,251</b> | <b>\$ 1,700,000</b> | <b>\$ 2,400,000</b>             |                        | <b>\$ 4,128,005</b> |
| Total Available/Req'd Share        | \$ 5,036,000               | ???                 | \$ 1,700,000        | \$ 2,400,000                    |                        | \$ 936,000          |
| % Split                            |                            |                     | 100/0               | 80/20                           |                        | 80/20               |
| Budget Shortfall                   |                            |                     | \$ -                | \$ -                            |                        | \$ 3,192,005        |

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**ORDER NUMBER 177-2013**

**IT IS HEREBY ORDERED** by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City Manager is hereby authorized to initiate sewer drainage easement for \$1,000 to Dirt Movers Inc for bridge on Martin Bluff.

**IT IS FURTHER ORDERED** that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by Councilwoman Guillotte, seconded by Councilwoman Martin and the following vote was recorded:

**AYES:**                   Gordon Gollott  
                              Mary Martin  
                              Hurley Ray Guillotte  
                              Casey Vaughan  
                              Rusty Anderson  
                              Adam Colledge

**NAYS:**                   None

**ABSENT:**               Johnny Jones

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**PASSED AND ADOPTED** by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 22, 2013.

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**Motion made by Councilman Vaughan to enter into a Work Session and suspend Roberts Rule of Order. Motion seconded by Councilwoman Martin vote was unanimously carried. Councilman Jones was absent.**

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**Discussed Mayor and Council Roles and Responsibilities Manuel**

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# Mayor & Council



## Roles and Responsibilities Manual

City of Gautier  
3330 HWY 90  
Gautier, MS 39553  
(228) 497-8000  
[www.gautier-ms.gov](http://www.gautier-ms.gov)

*Composition: July 2013*

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## **WELCOME**

The City of Gautier Staff are pleased that you have become a member of the City's governing body. Our community relies on the dedication of individuals with pride in their community and the initiative to become involved in the local municipal government process.



As a member of the City Council, you will be asked to make policy decisions, enact laws, levy taxes, and act for the benefit and best interest of the City of Gautier. You will be performing a valuable service by addressing community issues and needs as you represent your constituents. It is a service that is needed and that carries with it great responsibilities, which, hopefully, this manual will help you meet without feeling overwhelmed.

City officials look forward to your contribution as we all work together to provide efficient municipal services that are responsive to local needs and expectations. The City Council appreciates your willingness to work in this capacity and hopes your experience will be stimulating, enjoyable and satisfying. May you be productive in this endeavor.

## INTRODUCTION

This handbook has been prepared to help elected officials of the City of Gautier in carrying out the duties and responsibilities of public office. It is intended to be used for reference purposes only. This publication is based on state and federal legislation, general local government reference works, other detailed municipal manuals and similar publications dealing with municipal governments that have been published by the League of Mississippi Municipalities.



In the various sections of this manual, information has been provided on the basic structure of city government, as well as some guidance on conducting council meetings, advice on how to govern the City of Gautier effectively, descriptions of how the city is organized, details of what is required for public hearings, and information on creating a budget. In addition, some actions that public officials sometimes do not realize could create criminal liability are listed in the hope that such problems are best avoided through receiving good information.

Finally, the City Council has established a number of committees, commissions and boards to review city programs, projects and community issues. These groups provide greater community participation and can be a valuable source of information as they make recommendations to the City Council on specific areas. These bodies are all organized either through city ordinance or state statutes, which also prescribe their duties and authority.

If you have questions regarding your role, authority or area of responsibility within the aspect as a member of the City Council of the City of Gautier, please feel free to direct your questions or concerns to the City Attorney and do not hesitate also to receive clarification or assistance from the offices of the City Manager.

# VALUES

⌘ PEOPLE ⌘ INTEGRITY ⌘ PROSPERITY

**We value** government action that is taken openly and believe that responsive government is our first priority. We encourage citizen participation for the betterment of our community and strive to conduct business with integrity to instill public trust.

## Quality of Life

**We value** a safe, family friendly environment in which to build our future and conduct business. We foster recreation, public safety and youth activities, and encourage support of the arts, libraries, and education. We believe in sound economic development, high standard infrastructure and responsible planning for sustainable growth.

## Excellence

**We value** excellence in all things. Professionalism, accountability, and innovation drive our commitment to excellent customer service.

## Employees

**We value** a work environment that emphasizes teamwork, respect and dignity and supports our employees in their efforts to provide excellent customer service.

## Diversity

**We value** diversity in the workplace and in the community.

# VISION/MISSION

Gautier's mission statement and values were adopted with input from citizens and employees during the 2012 strategic planning process.

## Vision

We strive to achieve efficient and responsible service; a highly trained, competent workforce; and responsible stewardship of resources.

## Mission

To enhance the quality-of-life of the citizens of Gautier and our neighborhoods by providing exceptional government services.

- I. Provide a safe environment through the development of partnerships with citizens, community groups and law enforcement, emphasizing crime prevention and a variety of programs aimed at youth.
- II. Create a vibrant community by expanding our economic development efforts striving to improve education, and growing our recreational, cultural, arts and library programs.
- III. Be innovative in seeking solutions, be bold in taking on the challenges of our community and use the entire range of resources, skills and technology available throughout the community for the betterment of all.
- IV. Sustain the economic, environmental and physical health of our community by supporting new medical and health care services; creating a program of sustainable development and fostering continued job creation.
- V. Continue to enhance the quality of life for our residents by embracing our small town spirit, ensuring we maintain strong neighborhoods, valuing and strengthening intergenerational ties among citizens and providing a range of services that support the whole community.
- VI. Encourage community maintenance to aesthetically improve the City.
- VII. Recreational Waterfront. Cultivate public and private investments along the Coastline.
- VIII. Focus on the Town Center Master Plan and I-10/HWY 57 Corridor. Promote economic renewal and strategic development.
- IX. Environmentally Sustainable Local Government Policies. Develop and implement pro-environmental policies.
- X. College Park Community Revitalization. Stimulate further redevelopment

opportunities.

- XI. Operational Performance and Efficiency. Focus on improving efficiency and performance.
- XII. Promote Public Safety. Reduce violent crime among youth and adults
- XIII. Customer Service. Maintain and improve the quality our customers' experiences while recognizing that the City is involved in many other important activities, these eight initiatives will be our focus as we plan future activities and deploy resources.

## **GENERAL INFORMATION FOR NEWLY ELECTED COUNCIL**

- According to the city ordinances, the Council meetings are to be held every 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month, usually starting at 6:30 pm. These times may be adjusted as necessary to meet scheduling needs and the time demands of scheduled agenda items. The agenda and packets of backup information are available Thursday in-office, and will be delivered to your home by the Gautier Police Department on the Friday prior to the scheduled meeting.
- It is the responsibility of each council member to come to the meetings fully prepared. This means that you should be reading through the entire packet of information made available to you. If you have any questions regarding the information please contact City Hall to research the answer to your question prior to the meeting.
- Each council member has a mailbox at City Hall. It is the responsibility of each council member to periodically check his or her mailbox.
- Each new Council member needs to visit the payroll department in City Hall to fill out the necessary employment forms such as the W-4, I-9 etc...
- Be sure to familiarize yourself with the 'Personnel Policy Manual', '5-Year Strategic Plan' and the 'City of Gautier Annual Budget'.
- The Gautier City Council conducts their meeting according to 'Roberts Rules of Order'. Please familiarize yourself with the "Meeting Procedures Fundamentals" booklet in your packet. It is also highly recommended that each new Council member attend the Public Official's Workshop that is offered through the Mississippi Municipal League.
- At times the Council will convene in a closed session. Confidentiality is extremely important and should be strictly adhered to. Items discussed in closed session should not be shared with other persons outside the realm of the Council Chambers. Closed sessions are entitled "executive sessions" and are only permissible in specific instances. Refer to the City Council Handbook for state statutes regarding allowable use.
- Council members will be appointed to chair at least one civic committee/board. It is very important that you develop open and regular communication with the City Manager and volunteer committee members in order to gather information to help you effectively volunteer on a public committee/board.

## **LEGISLATIVE BRANCH**



### Powers of Mayor and City Council

Gautier is governed by a council consisting of councilmen and the mayor. The council serves as the legislative arm of city government. Individual councilmen are not empowered to act on behalf of the city, and can only exercise power when a quorum of the council is present. The mayor is a member of the council and presides over its meetings. In the mayor's absence the mayor pro-tem presides over meetings.

In contrast to other city offices, the Mississippi Annotated Code does not provide a list of duties for individual councilmen, although the City Council has full legislative (or policy-making) authority. In addition, the City Council appoints the City Manager and confirms appointments made by the Mayor. It has authority for the management and control of City property; management and control of city finances and highways; the power to act for the government and good order of the City, for its commercial benefit, and for the health, safety, and welfare of the public. The Council enacts ordinances, resolutions and motions; creates committees, boards and commissions; approves and amends the annual budget; levies taxes, approves the paying of claims made against the city; grants licenses issued by the city; and enters into contracts on behalf of the city. It may carry out its powers by license, regulation, suppression, borrowing of money, taxation, special assessment, appropriation, fine, imprisonment, confiscation, and other necessary and convenient and legal means.

The City Council does not enjoy executive (or administrative) powers of city government, which are carried out by the City Manager, who serves at the pleasure of the Council.

### Appointments by City Council (Subject to Council Confirmation)

#### **Legislative (Policy-Recommendation or Advisory) Boards:**

- Planning Commission
- Civil Service Commission
- Recreation Advisory Committee
- Technical Review Committee

#### **Administrative (Decision-Making) Boards:**

- Library Board (decision-making on most matters of Library operations)
- Election Committees
- EOC

## EXECUTIVE / ADMINISTRATIVE BRANCH

The city manager is a statutorily created position. To further consolidate the municipal services and create efficiency measures, the offices of City Clerk and Treasurer/Comptroller were placed under the direction of City Manager for the City of Gautier.

The City Council appoints the City Manager on the basis of merit, who serves for a four year renewable term at the pleasure of the Council. The City Manager is the head of city administration, and possesses and exercises executive and administrative powers of city government. The City Manager has no legislative powers. The City Manager is removable by a 2/3<sup>rds</sup> affirmative vote of the entire membership of the City council.

### Powers of City Manager

The City Manager shall carry out the directives of the Mayor and City Council that may require administrative implementation and shall promptly report the results obtained and any difficulties encountered. The City Manager shall direct, coordinate, and expedite the activities of all city departments, except where such authority is vested by Mississippi State Statutes or city ordinances and resolutions in boards, commissions or other city officers.

He or she shall be responsible for the administration of all day-to-day operations of the city government, including monitoring of city compliance with Mississippi State Statutes, regulations, city resolutions and ordinances. The City Manager shall serve as an ex-officio member of all boards, committees and commissions of the city. (*See ordinances for complete list of duties*)

The Clerk duties are set forth by statute. Although the duties for city clerk's vary somewhat from municipality to municipality, they are in large part the same. Generally speaking, the clerk is entrusted with the care and custody of the corporate seal and all papers and records of the city. The city clerk oversees the office of the court clerk and is required to attend governing body meetings and keep a full record of the proceedings. The clerk is responsible for maintaining a minute book, and "ordinance book," and is also required to keep a record of all licenses and permits granted and record all bonds, in appropriate books. The clerk shall draw and sign all orders upon the treasury and keep a full account thereof in appropriate books. The clerk shall carefully preserve all receipts filed with the clerk. The clerk shall keep an accurate account with the treasurer and charge the treasurer with all tax lists presented for collection and with all moneys paid into the treasury. The clerk shall keep all records in the clerk's office open to inspection at all reasonable hours. The clerk is authorized to administer oaths and affirmations required by the state. This list of responsibilities of the clerk is not all-inclusive, but summarizes the duties as set forth by the Mississippi State Statutes.

Generally speaking, the treasurer/comptroller is responsible for collecting all city, school, county and state taxes, receiving all moneys belonging to the municipality or which by law are directed to be paid to the treasurer, and paying over the money in the treasurer's hand according to law. The treasurer must deposit municipal funds upon receipt into the public depository designated by the governing body and keep a detailed account in suitable books in such manner as the governing body shall direct. The treasurer shall keep in separate books an account of all fees received. The treasurer must make, at times specified by statute and as required by the governing body, a verified report to the governing body of moneys received and disbursed and of the condition of the treasury per Mississippi State Statutes.

The City Attorney represents the City Manager/Clerk/Treasurer in all areas wherein the City Manager/Clerk/Treasurer has exclusive or final authority.

Appointments by City Manager (Not Subject to Council Confirmation)

- City Clerk
- Deputy Clerks
- Treasurer/Comptroller

## **JUDICIAL BRANCH**

The Mayor and Council appoint the municipal court judge and the city attorney. A municipal court is a true court of law and an integral part of the state court system. Municipal courts are also unique in many respects. Some of this uniqueness is revealed by taking a closer look at a municipal court jurisdiction and powers.

The term “jurisdiction” as applied to courts of law, including municipal courts, is used to describe the authority of a court to hear and decide a case or legal issue presented to it. The term encompasses many things, including territorial jurisdiction and subject matter jurisdiction. A municipal court is authorized to hear and decide actions for violations of municipal ordinances of the municipality that operates the court. Since a municipality ordinance is only enforceable within the boundaries of the municipality that enacted the ordinance, the territorial jurisdiction of a municipal court is the same as the geographical boundary of the municipality that operates the court.

The Municipal Court enters judgment or dismisses matters that come before it as the court deems just. Ordinance violations cited by police officers, the building inspector or fire inspector, are all referred to the jurisdiction of the Municipal Court. Most traffic law violations are also matters for the Court’s determination. All judgments entered by the court are reviewable by the Circuit Court if an appeal is brought within twenty days of any judgment.

The City Attorney represents the City as Prosecutor in all matters brought before the Municipal Court.

## **CHAIN OF COMMAND**

All individual department heads and staff employees of the City of Gautier report to and are responsible to the City Manager. The City Attorney coordinates with the City Manager on executive and administrative matters, and reports to the Council on legislative matters.

The members of Boards report to the Chair or President of such Board, usually a department director or community planner. All members of all Boards regardless of who appointed them and what function they serve within the City's governmental structure, are part of the executive branch, making the City Manager an appropriate resource and informational source for all Boards and the appropriate final stop for questions and concerns. If a legal concern or need should arise, the boards should vote on whether it needs to seek the services of the City Attorney, who will then represent the Boards at the consent of Council, unless prohibited from doing so due to a conflict of interest.

The City Council members are responsible to the constituents. If a problem arises outside the anticipation of the 5-Year Strategic Plan, the council member reports to the council as a whole to direct the City Manager to take action. Or, most often, contact the City Manager who will conduct a response to the problem through the proper chain of command. The City Attorney represents the City Council in all areas wherein the City Council has exclusive or final authority.

### Chain of Command

The chain of command is important to a good council member. Sometimes the chain of command of an organization can be a little confusing. This simple question/answer illustration of the chain of command might help you:

1. *Who manages the people you serve?* The direct line staff.
2. *Who manages the direct line staff?* Supervisor / Department Heads.
3. *Who manages supervisors / department heads?* The City Manager.
4. *Who manages the City Manager?* The Mayor and Council.
5. *Who manages the mayor and council?* Each other.

A good council member learns to respect this chain of command. For example, if you want to arrange a meeting directly with the people you serve, it would be a good idea to contact your city manager—who will make arrangements through supervisors and direct line staff.

### The Council / Staff Connection

The following examples are true incidents of what the council/staff relationship should not be.

- One council member got a letter from a staff member complaining about the city manager. He took the letter to the Mayor who promptly called a council meeting to discuss the complaints—without informing the city manager. The council later solicited complaints from other staff members while the city manager was out of the city.
- Another council decided to examine staff personnel files. They simply wanted to understand more about what staff were accomplishing so they would be “assured that the city manager was doing a good job.”

### What’s the Council’s Relationship to Staff?

Two simple rules of thumb for Council / Staff relations are:

1. All communication between the staff and council should be channeled through the city manager.
2. Councils do not manage staff, administrators do.

Here are some basic do’s and don’ts for individual council members in your relationship with staff...

- Don’t make commitments to staff. Only the **Full Council** can do that.
- Don’t act as a superior or supervisor to staff (that’s your city manager’s job)
- Do volunteer to help your organization—but in the same capacity and power as any other volunteer.
- Do go through proper channels—your city manager/administrator—when volunteering to help on a special event or project that will affect day-to-day operating procedures.
- Do show concern for the well-being of staff.
- Do remind staff members, when they contact you, that they should follow the chain of command when they have a problem—and that they should not take their problems directly to the council members.

## How Should You Handle Staff Grievances?

QUESTION: “Do staff have a right to appeal grievances to the council?”

ANSWER: Personnel management is the city manager/administrator’s job. The personnel policy handbook establishes procedures for the administrative handling of personnel grievances. Unless there’s a policy to the contrary, staff grievances should not go to the council. When the council listens to staff grievances, you may actually be settling one problem and creating a couple of serious new problems:

- Grievances that go to the council give staff mixed signals about who’s in charge. If they can appeal any administrative decision to the council, the administrator’s authority with staff is greatly weakened.
- If the city manager makes a decision on a staff grievance and the board reverses that decision, the relationship between council and the city manager will be strained. The Council/Administrator team must speak with one voice that says “the city manager manages staff.”
- Here are some answers to questions about the council/staff relationship that council members frequently ask.
  - “How can council members know what’s going on if we can’t work with staff?” You can work with staff through the city manager. Ask your city manager to report-or ask him/her to invite staff members to each council meeting to explain their programs and answer your questions.
  - “What part should the council play in hiring staff?” The council hires the best person to administer the organization and then delegates all other staff hiring to the city manager. The council should not interview or evaluate staff. These are the city manager’s jobs.
  - “Shouldn’t staff have a part in the evaluation of the city manager?” No. The council hires the city manager and has the responsibility for evaluation. It would be very difficult for staff to remain objective when evaluating their “boss.”

## The Council’s Relationship to Staff Can Be Tricky

Question: “As council members, a couple of us decided to attend a few staff meetings-mainly to show that we are interested in what goes on in the organization we govern. But we seemed to have stirred up a hornet’s nest because the city manager says it’s inappropriate for us to get involved directly with staff. Why can’t we do this?”

Answer: Nobody ever said that it was easy to be a good council member. Sometimes an issue comes along that reaffirms how hard it really is-like the question of a council member's relationship to staff.

On one hand, you're told you should get more involved because council members are responsible for the organization. But then you're told you shouldn't short-circuit the chain of command by bypassing your city manager when you go directly to staff.

The point is not that council members shouldn't have any relationship to staff. The point is that the staff/council relationship is so sensitive, council members have to be alert to problems, which can quickly grow out of this relationship.

### Responsibility Chart for the City Manager and Council

The council team works best when everyone understands who's responsible for what. Some decisions can only be made by the council. Other decisions should be delegated to the city manager. Still others should be joint decisions by both the council and city manager.

*The problem is, council teams don't always iron out who's responsible for what before they're confronted with a decision.*

The items below are typical decisions your board team might have to make in the future. Here's your chance to assign responsibility before you face the issues. As a council/city manager team, discuss this list and decide how you would assign the responsibility for each decision. Label each item with one of the following:

- A = Administrator has complete authority to make the decision.
- I = Administrator has authority to act and then Inform the council.
- P = Administrator must seek Prior approval from the council to act.
- C = Only the Council may make the decision.

- 1) Decided where to deposit your organization's funds.
- 2) Discipline an employee who arrives at work intoxicated.
- 3) Send the Comptroller to a three-day leadership conference at your organization's expense and on work time.
- 4) Establish maintenance and appearance standards for building facilities and grounds.
- 5) Explore the possibility of a merger with another organization.
- 6) Purchase a large new phone system with budgeted funds.
- 7) Arrange for an audit of your organization's finances.
- 8) Decide which services/programs to cut to meet budget demands.
- 9) Retain a consultant to help staff set up a new computer system.
- 10) Retain legal counsel for organization.
- 11) Recruit a person for a department director position.

You may add more items to the list to iron out "who should be responsible for what."

Your Administrator/City Manager Fills These Management Functions:

- 1) **PLANNING.** Although the council makes long-range plans (2-10 years), the administrator is responsible for making short-term plans to fulfill the current year's budget and objectives. Some council members are tempted to tell the administrator what equipment to purchase. But if it is budgeted, the administrator along with the department head, should decide how to spend the money. It's the council's role to plan for the needs of the future years.
- 2) **ORGANIZING.** An administrator must organize an internal structure to help him or her deliver your organizations services effectively and efficiently. Frequently, council members want a say in what kinds of staff positions are created. For example, a council member might think your priority should be to hire a public relations person-yet the administrator may want to hire a business manager. As a manager, your administrator should be able to create the kinds of positions and internal structure he or she deems necessary. For this reason, Mississippi Annotated Code allows council to create or remove positions only upon recommendation of the city manager.
- 3) **STAFFING.** Your administrator is in charge of hiring and firing staff members. The council is in charge of hiring and firing the administrator. As a council member, you judge your administrator for performance of the entire organization-not of individual staff. Let your administrator assess the performance of individual staff members.
- 4) **DIRECTING AND LEADING.** An administrator motivates staff. He/She should inspire them, give them direction and communicate will with them. Although council members are leaders of the entire organization, they are not leaders of the staff. Your administrator directs and leads staff. As a council member, you direct and lead your organization through your administrator.
- 5) **CONTROLLING.** The administrator measures and corrects the activities of staff members and controls the spending of the current budget. The council controls how much is allocated for line items in the budget, such as "staff payroll." It's tempting for council members, when they see that something is not quite right, to jump in and try to control what goes on. For example-if expenses are too high, a member might want to order a reduction in staff or change the operations of a particular department. That would be wrong, however, because the administrator is in charge of controlling staff and how the current budget is spent.  
**The most important point for council members to learn is to stand back and give the administrator the opportunity to manage and fulfill the responsibilities of the administrator's role within your organization.**

Who's Responsible-The Council or Administrator?

Here are some recommendations for who should be responsible for the various activities and decisions made by your organization...

| <b>AREA</b>  | <b>COUNCIL</b>  | <b>ADMINISTRATOR</b>  |
|--|---|---|
| Long-Term goals (more than 1 year)                       | Approves  | Recommends and provides input   |
| Short-Term goals (less than 1 year)                      | Monitors  | Establishes and carries out   |
| Day-To-Day Operations                                    | No Rule   | Makes all management decisions  |
| Budget   | Approves  | Develops and recommends   |
| Capital Purchases  | Approves  | Prepares Requests   |
| Decisions on building, Renovation, leasing and Expansion | Makes decisions and Assumes responsibility                              | Recommends (could also sign contracts if given authority)                             |
| Supply Purchases   | Establishes policy and Budget for supplies                              | Purchases according to council policy and maintains an adequate audit trail           |
| Major Repairs  | Approves  | Obtains estimates and prepares recommendation   |
| Minor Repairs  | Policy should include amount that can be spent without council approval | Authorizes repairs up to prearranged amount   |
| Emergency Repairs  | Works with Administrator  | Notifies Mayor and acts with concurrence from Mayor or council                        |
| Cleaning and Maintenance                                 | No Role (oversight only)  | Sets up Schedule  |
| Fees   | Adopts Policy   | Develops Fee Schedule   |
| Billing, Credit and Collections                          | Adopts Policy   | Proposes policy and implements policy   |
| Hiring of Staff  | No Role   | Approves all Hiring   |
| Staff Deployment and Assignment                          | No Role   | Establishes   |
| Firing of Staff  | No Role   | Makes Final Termination Decisions   |
| Staff Grievances   | No Role   | The Grievances stop at the administrator  |
| Personnel Policies                                       | Adopts  | Recommends and administers  |
| Staff Salaries   | Allocates line item for salaries in budget                              | Approves salaries with recommendations from supervisory staff and per union contracts |
| Staff Evaluation   | Evaluates only appointed positions                                      | Evaluates all other staff   |

Yes, there will probably be some problems along the way, you have to expect them. But evaluate your administrator's performance as a manager by assessing what the entire organization has done. As long as you get what you want and need from your administrator, let the administrator do it his/her way.

### Council Learns Not to "Second Guess" the Administrator

Several council members from Oklahoma were shocked when they each got a letter from a disgruntled person who had been served by their organization. "It was quite a surprise," says one council member. "We'd never heard any complaints about our administrator or organization before."

Her first reaction was similar to other board members: get the problem on the agenda for the next board meeting and hash it out. "It was a very delicate issue," she explains. "Here was what appeared to be a very valid complaint about our administrator and an appeal to us for help. At the same time, we've always placed full confidence in our administrator."

"We all learned a lot from that episode," the council member explains. "Council members should be sensitive to public appeals and complaints, but we should also give the administrator a chance to handle problems first."

"Council members have a right and responsibility to be informed about what goes on in the organization we're elected to govern, but we hired the administrator to make the management decisions and we should allow him/her to do that."

"Of course, the administrator makes mistakes once in a while, just as we all do. If the decisions are frequently bad, the administrator is subject to dismissal. Otherwise, we shouldn't be second-guessing everything he or she does."

*Council members should be sensitive to public appeals and complaints. But they should also give the administrator a chance to handle the problem first.*

### A Temptation to Fix Things

There was recently an interesting situation that happened to a California council member whose educational background is in finance and accounting. After he was elected to council, he discovered what he thought was a weakness in the municipalities accounting system. So he promptly rolled up his sleeves and personally engineered some internal changes.

Now you can't blame the council member for wanting to correct the situation. These days, many council members are elected because of their technical skills. If you have some skills in finance, it's only natural that you would want to straighten things out, push the bookkeeper aside, and do it yourself.

In fact, your administrator might want to do the same thing! But if your organization already employs a bookkeeper, it's his or her job to run things right.

Good administrators give staff direction and then stand back to let them do the job. Employees should be given a chance to correct a problem once it's pointed out to them.

Also, the administrator, not council members, is ultimately responsible for correct and timely financial reports. Administrators should also be given the chance to correct problems within the organization.

Remember, the council hired an administrator to manage day-to-day activities and to fix things. If something in your organization looks like it needs fixing and you want to help, point it out to your administrator and say you'd be would be available as a volunteer if additional advice is needed. Ask for feedback on how the problem is being solved. But don't jump in and fix it yourself without being asked.

#### How Many Bosses Should Your Administrator Have

"There are six council members," an administrator told me recently, "and I feel like I have six different bosses!" "Council members are always on the phone telling me to do this or do that. One says I should wait to purchase a computer system and have the full board review it first. But another tells me to go ahead and buy it now while the price is right, without waiting for council approval."

Council members cannot act as individuals. They must speak with one voice so the administrator can have one boss, not six.

#### The Administrator is the Manager, Even in a Crisis

Sooner or later your council could find itself in the middle of a crisis, a building fire, a staff scandal, a liability lawsuit. When a crisis strikes, unwanted public attention is sure to follow on its heels. And just as quickly, council members will become the focus of public pressure to get the problem solved. The temptation for council members to take immediate action is strong.

But a crisis shouldn't suddenly change the way your council operates. It is not the time to make new policies in the midst of crisis. It is time to fall back on policies you already have and let them work. Council members should ask themselves, can the council really do anything about this situation by holding a clumsy meeting to try to make emergency decisions as a group?

What should the council do when a crisis strikes?

- Keep yourself informed from the right source, your City Manager. Of course there will be public pressure on the council to do something about the problem; this just means that the council members need to make sure that they are accurately informed about the issue so they can tell the public what's being done.
- Support your Administrator. Get questions out of the way at council meetings and then back the administrator during the crisis. Tell the administrator you appreciate the work being done to solve the problem and make sure the public sees the support.

- The administrator was hired to manage at all times, not just when things are going well. It doesn't make sense to pull that responsibility away. You need to support the administrator not give him or her more problems.
- Operate as a council not as individuals. Designate one person, probably the mayor, to be the media spokesperson on matters unrelated to personnel. When you speak to the public, voice the official council stand, not your own individual opinion. Council members can influence the public and help keep a crisis in hand or under control.

### The Golden Rule of the Council/Administrator Team

Support of the administrator is the responsibility of the council. Communication is the responsibility of the Administrator.

Good relations between the Council and the Administrator can break down when you neglect this golden rule. It will help you to remember:

- Council Members support their administrators by letting them know what they want by providing direction.
- Council Members support their administrators by ensuring that money is available to carry out policies.
- Administrators carry out the council's plans; they're the managers of the organization.
- Administrators must provide feedback and recommendation for new actions so the council may know how things are going.

Support and Communication.... they're necessities for every municipality.

### RULES OF PARLIAMENTARY PROCEDURE

Rules of procedure for individual governing bodies vary. However, most City councils have adopted Robert's Rules of Order Newly Revised, or similar parliamentary rules.

#### What is Parliamentary Procedure?

It is a set off rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion.

#### Why is Parliamentary Procedure Important?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Roberts's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations, and other groups. So it's important that everyone know these basic rules.

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

- Call to Order.
- Roll Call of Members Present.
- Approval of Minutes of Last Meeting.
- Officer Reports
- Committee Reports
- Special Orders-Important business previously designated for consideration at this meeting.
- Unfinished business.
- New Business.
- Announcements
- Adjournment

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

- Call to Order.
- Second Motions.
- Debate Motions.
- Vote on Motions.

#### How are Motions Presented?

1. Obtaining the floor
  - a. Wait until the last speaker is finished.
  - b. Rise and address the Chairman by saying “Mr. Chairman or Mr. Mayor”
  - c. Wait until the Chairman recognizes you.
2. Make Your Motion.
  - a. Speak in a clear and concise manner.
  - b. Always state a motion affirmatively. Say, “I move that we...” rather than, “I move that we do not...”
  - c. Avoid personalities and stay on your subject.
3. Wait for someone to second your motion.
4. Another member will second your motion or the Chairman will call for a second.
5. If there is no second to your motion it is lost.
6. The Chairman states your motion.
  - a. The Chairman will say, “it has been moved and seconded that we...” Thus placing your motion before the membership for consideration and action.
  - b. The membership then either debates your motion, or may move directly to a vote.

- c. Once your motion is presented to the membership by the chairman it becomes “assembly property”, and cannot be changed by you without the consent of the members.
7. Expanding on Your Motion.
    - a. A time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
    - b. The mover is always allowed to speak first.
    - c. All comments and debate must be directed to the chairman.
    - d. Keep to the time limit for speaking that has been established.
    - e. The mover may speak again only after other speakers are finished, unless called upon by the Chairman.
  8. Putting the Question to the Membership.
    - a. The Chairman asks, “Are you ready to vote on the question?”
    - b. If there is no more discussion, a vote is taken.
    - c. On a motion to move the previous question may be adapted.
  9. Voting on a Motion.

The method to vote on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are:

    1. By Voice—The Chairman asks those in favor to say, “aye”, those opposed, “no”. Any member may move for an exact count.
    2. By Roll Call—Each member answers “yes” or “no” as his/her name is called. This method is used when a record of each person’s vote is required.
    3. By General Consent—When a motion is not likely to be opposed, the Chairman says, “If there is no objection...” The membership shows agreement by their silence, however if one member says, “I object”, the item must be put to a vote.
    4. By Division—This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
    5. By Ballot—Members write their vote on a slip of a paper, this method is used when secrecy is desired.

## **ROBERT'S RULES OF ORDER SIMPLIFIED**

A simplified description of Robert's Rules of Order appears in *Preparing for Takeoff*. Taken from Brian O'Connell's *The Board Member's Book*, it describes the motion; the second; the discussion, debate, and clarification; the vote; and a restatement of the motion. The next level of detail in Robert's Rules involves a situation in which the board may want to make some changes in the original motion before the vote. In the course of the discussion it may become obvious that the motion doesn't quite say what the board now has in mind. The following rules of order depict how a slightly more complicated scenario might unfold:

- The motion.
- The second.
- The chairperson restates the motion.
- Discussion, clarification, and debate.
- Someone moves that the original motion be amended, and another person seconds the idea. (At that point the maker and seconder of the original or main motion will usually agree to the amendment even though a vote on the amendment has not been taken. Technically, once a motion has been made and seconded, it involves the whole assembly, but if no one offers objection to the amendment, no vote is usually taken.)
- If the persons who moved and seconded the original motion do not agree to the amendment or if anyone else voices objection, there is discussion, clarification, and debate on the amendment itself.
- After the group has adequately considered the amendment, the chairperson restates the motion to amend, and the group votes on the amendment.
- Once the amendment has been accepted or rejected, the group returns its attention to the original motion.
- If the amendment passes, the main motion is now known as "the original motion as amended." If the amendment is defeated, the motion is simply the original motion.
- Debate then proceeds on the original motion. It could be amended again, in which case the new amendment would get informal or formal consideration.
- When the amendments have been disposed of, the board votes on the original motion (as amended, if that's the case). Although the amendment process complicates the motion process slightly, it is simply the group's way of deciding whether the original motion needed some changes before it reflected the combined view of what should be done.
- When the motion is brought to a vote, members may abstain from voting. However, those members should explain for the record why they wish to abstain. The most City reason for abstaining is that a potential conflict of interest exists. The inability of a member to reach a decision is generally not an acceptable reason for abstaining.
- If the main motion is defeated, the same basic proposal cannot be brought forward again at the same meeting. This is designed to keep the losers from filibustering by bringing the same motion up again and again. (There is an

exception. If one person who was on the winning side of the vote realizes that he or she may have made a mistake, such as misunderstanding what the motion called for, he or she can move for reconsideration, at which point the board decides whether to allow reconsideration.)

- The motion to “table” is often used improperly in an attempt to suppress a measure. You can, however, use this motion in the appropriate manner to your group’s advantage. The group may wish to lay aside discussion and action on a question temporarily until some other question is disposed of. You may do this by moving that the question be “tabled.” By so doing you retain the privilege of resuming consideration of the tabled question at any time.

### Policy Guidelines for Council Procedure

- a. To avoid interruptions, members, when recognized, should indicate the course their remarks will follow and perhaps verbally, or otherwise, indicate they have concluded.
- b. Motions on the floor should not be modified by statements such as, “that’s all right” or “I’ll include that change.” Preferably, motions should be prepared in advance and should incorporate suggested changes prior to being made. Changes to a motion should be in the form of amendments.

*Adopted from “Conducting Orderly Meetings,” Ralph E. Houseman, The Municipality, Feb. 1972.*

- c. Committee chairmen should report committee actions and move adoption of recommendations, regardless of their position on the committee vote. The committee chairman may speak against the action during debate on the subject.
- d. Legislative action should be taken only by ordinance, resolution or bylaw. Unless otherwise specifically required by law, any action may be taken either by resolution or by motion. In matters of urgency, a resolution may be presented verbally in motion form together with instructions for later written preparation of the resolution.
- e. Whenever feasible, any member who intends to offer a resolution should arrange to have it prepared in writing by the municipal attorney and circulated with the agenda in advance of the meeting at which it is to be offered. Similarly, any member who intends to offer a motion should prepare the motion in writing and arrange to have it circulated with the agenda in advance of the meeting at which it is to be offered.
- f. Members offering motions, resolutions or ordinances should introduce them in the forms shown below:

MAIN MOTION

- 1) I MOVE \_\_\_\_\_

AMENDMENTS

- 2) I MOVE to amend the motion by inserting \_\_\_\_ between \_\_\_\_ and \_\_\_\_.
- 3) I MOVE to amend the motion by adding \_\_\_\_ after \_\_\_\_.
- 4) I MOVE to amend the motion by striking out \_\_\_\_.
- 5) I MOVE to amend the motion by striking out \_\_\_\_ and inserting \_\_\_\_.
- 6) I MOVE to amend by striking out the motion and substituting the following \_\_\_\_.
- 7) I MOVE that this motion be referred to the \_\_\_\_ committee (commission).

PREVIOUS QUESTION

- 8) I MOVE the previous question (2/3 vote) (stops debate and orders an immediate vote).

RECONSIDER

(In order same day motion is made or at next regular meeting)\  
(Mover must have voted with majority)  
(Not permitted in committee of the whole)

- 9) I MOVE to reconsider the vote by which \_\_\_\_ was voted. I voted with the majority.

AWARD OF CONTRACTS

- 10) I MOVE that the bid of \_\_\_\_ be approved for award, pending the signing of the contract and furnishing of required bonds, and that the city manager be authorized and directed to sign and the clerk to countersign the contract for and on behalf of the city.

INTRODUCTION OF ORDINANCE (FIRST READING)

- 11) I MOVE the introduction of an ordinance entitled (read from the agenda).

ADOPTION OF ORDINANCE (SECOND READING)

- 12) I MOVE the adoption of an ordinance entitled (read from the agenda).

ADOPTION OF RESOLUTION

- 13) I MOVE the adoption of a resolution entitled (read from the agenda).

CLAIMS

- 14) I MOVE that the (council) accept the recommendation of the (city) attorney and (deny) (pay) the claim of \_\_\_\_ in its entirety.

PLANNING

- 15) I MOVE that the (council) adopt the findings of the planning commission made in Resolution No. \_\_\_\_\_ and further move the introduction of an ordinance entitled (read from the agenda).
- 16) I MOVE that the (council) disapprove the findings of the planning commission made in Resolution No. \_\_\_\_\_ and deny the application for change of classification of \_\_\_\_\_.

## **PUBLIC HEARINGS**

In their conduct of public business, governing bodies find it necessary or desirable to perform investigations into matters of concern to determine the need for legislation and what its nature should be if required. Investigations and hearings into the conduct or affairs of municipal officers are also sometimes undertaken at the direction of the governing body. This chapter describes the general procedures and legal powers and duties of governing bodies or their committees in conducting investigations and administrative reviews.

### Public Hearings

One procedure frequently employed in investigating city affairs in preparation for final legislative or administrative action on matters of special concern is the public hearing. Of course, all meetings of the city governmental bodies must be open to the public unless the subject matter falls within one of the exemptions prescribed by the open meetings law. However, public hearings are specifically required by certain state statutes.

Except when constitutionally protected rights of specific individuals are involved or when the applicable statute imposes other requirements, public hearings are subject to no special rules of procedure. However, the presiding officer prior to commencement of the hearing should announce those Quasi-Judicial rules of etiquette and order, which shall govern the hearing. If time limits are to be imposed on appearances at the hearing, this fact should be stated in the notice to the public and also in any notice sent directly to interested persons. This notice procedure will allow those persons desiring to appear whose presentations might exceed their allotted time to prepare written statements or consolidate their presentations with other speakers.

If you, as a member of a governing body, are required to conduct a hearing or review matters relating to individual employees, officers or citizens, you should initially consult with the municipal attorney to determine whether constitutional rights may be involved or if the state or federal statutes or agency regulations impose requirements or restrictions on the conduct of the hearing. Failure to observe constitutional rights of citizens, employees or other persons may result in liability for damages or injury suffered by such persons.

When process is due, the following procedures may be applicable, although in certain cases less formal procedures may be sufficient.

1. A written statement of the reason for the proposed action informing the affected individual of the right to a timely and impartial hearing.
2. A hearing upon request in which:
  - (a) The individual may present arguments in person or by an attorney.