

# Code of Meeting Procedure



City of Maize, Kansas

## **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?

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## **APPLICATION & AMENDMENT**

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

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Adopted by the City Council on December 18, 2023

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## DEFINITIONS

**Section 1. Charter Ordinance.** A charter ordinance requires a two-thirds majority vote of the Governing Body which exempts the City from a non-uniform state statute that applies to Maize, and the City may provide a local substitute for the state statute.

**Section 2. City Council.** 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 Council.

**Section 4. Motion.** A course of action formally proposed to the Governing Body by one of its members, including the Mayor on items the Mayor votes on.

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

**Section 6. Quorum.** A meeting of the Governing Body means any gathering or assembly in person or using a telephone or any other medium for interactive communication by a majority of the Governing Body. A majority of the Governing Body consists of 4 members of the Governing Body.

**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 Council 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 first and third Monday of every month at 6:00 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 Council members. The date, time, and purpose of a special meeting must be specified to the Council 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 Council President chairs in the Mayor's absence.

**Section 11. Public Comments.** A section of each regular meeting of the Governing Body will be reserved for public comments of a general nature on subject matter relevant to the City and not necessarily specific to an agenda item. Special meetings and workshops generally do not include a Public Comments section. Each person addressing the

Governing Body must sign up in advance of the meeting and provide their name for inclusion in the minutes of the meeting. All public comments must be made from the

podium. Questions posed by a presenter will not ordinarily be answered by the Governing Body. Questions may be referred to the City Manager to be followed up on after the meeting. Each presentation, whether by an individual or group, shall be limited to five (5) minutes. Upon request by the individual or group making the presentation, an additional three (3) minutes may be authorized by motion, second, and majority vote of the City Council.

## 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). Using the “Subscribe to Agendas and Minutes” function on the website, people can be notified of when the agenda is posted. The agenda is usually available on Thursday afternoon for the meeting the following Monday but may on occasion be delayed due to unforeseen events. Upon request, paper agenda packets will be delivered to members of the Governing Body.

**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 but may have a Governing Body member sponsor an item.

**Section 15. Order and Content of Agenda Items.** Each agenda item shall be reviewed in the following order: Agenda Report (cover sheet), Applicant input (if applicable), and Public Hearing (if applicable). Agenda Reports should include Background information on the topic, Fiscal impact and sustainability information, Legal considerations (if applicable), Policy considerations (if applicable), Applicable reference material, and Action Options or Recommendation(s). Agenda Reports shall be as objective and unbiased as possible.

**Section 16. 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 during the Approval of Agenda portion. Items are added by motion approved by a majority of City Council 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 off-agenda items is warranted.

**Section 17. Order of Business.** At the hour appointed for the meeting, the Mayor shall call the meeting to order. The Council President 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

Roll Call

Pledge of Allegiance/Moment of Silence

Approval of Agenda

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Presentations  
Public Comments  
Consent Agenda  
Business  
Reports  
Executive Session  
Adjournment

**Section 18. Consent Agenda.** By request of a Governing Body member and with the approval of the City Council 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 19. Order of Business, Suspended or Amended.** By a majority vote of the City Council, 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 20. Notice to Speak.** Governing Body members should notify the chair of the desire to speak by raised hand to be recognized by the chair.

**Section 21. Second.** All motions require a second before being considered by the Governing Body.

**Section 22. Debate.** All motions are debatable unless otherwise noted in the section governing that motion.

**Section 23. 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 24. Substitute Motion; Prohibited.** Substitute motions are prohibited. Substantive motions must be withdrawn or advanced before another substantive motion is introduced.

**Section 25. 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 26. Motion to Pass an Ordinance.** All ordinances of the City shall be considered at a public meeting of the Governing Body. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended, and the section or sections amended shall be repealed. (See Sections 36-39 for ordinance voting requirements.)

**Section 27. 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 (B) 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 28. 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 29. Motion to Call the Question.** This motion is not debatable and, if passed by a majority of the Governing Body, calls for an immediate vote on the substantive motion. This motion requires a vote.

**Section 30. 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 [take a short break and then] 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 Council 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 Council President (or another member) reports the time returned and that no binding action was taken.

**Section 31. Motion to Adjourn 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 adjourned 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 adjourned to the specified time, place, and date.

## VOTING

**Section 32. Form of Vote.** All votes shall be by either a voice vote or, in the alternative, the chair 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 33. 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 34. 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. If a member abstains without stating a conflict of interest, their abstention counts as a vote for the prevailing side.

**Section 35. Non-Ordinance Matters.** Unless otherwise specifically required by law, the adoption of resolutions and other motions shall be by a majority of those present and voting. An abstention shall be counted with the prevailing side.

**Section 36. Ordinary Ordinance.** Adoption of an ordinary ordinance requires three (3) affirmative votes of the City Council.

**Section 37. Mayor.** The Mayor is a member of the Governing Body, and votes on charter ordinances, employment of the City Manager and City Attorney, and appointment of the Municipal Judge, and other matters as prescribed by state law. The Mayor may also vote to break a tie when the City Council is equally divided on a vote.

**Section 38. Ordinary Ordinance: Mayor's Veto.** On or before the next regularly scheduled meeting, the Mayor may veto any ordinance passed by the Governing Body, with the exception of appropriation ordinances and ordinances on which the Mayor casts the deciding vote. Ordinances not signed or vetoed by the Mayor take effect without the Mayor's signature. Any ordinance vetoed by the Mayor may be passed over the veto by a vote of four City Council members. The Council President, acting in the absence of the Mayor, is not authorized to veto ordinances.

**Section 39. Charter Ordinance.** Adoption of a charter ordinance requires two-thirds (4 of 6) affirmative votes of the Governing Body. The Mayor is considered a member of the Governing Body and votes on charter ordinances.

**Section 40. Zoning Items.** (1) Adopting the recommendation (approval or denial) of the Planning Commission requires a simple majority (three votes) of the City Council. If the Planning Commission fails to make a recommendation on a zoning request, the City Council should consider such inaction as a negative recommendation. (2) Overriding the Planning Commission's recommendation (approval or denial) requires four affirmative votes of the City Council. (3) The City Council may choose to return an item to the Planning Commission with instructions for reconsideration. When the item comes back to the City Council, a simple majority (three votes) is required for passage. (4) When a valid protest petition is received, four votes are required to overcome the valid protest petition.

**Section 41. Confirmation of Mayoral Appointment to Non-Elected Position.** The Mayor may cast the deciding vote when the Governing Body is equally divided on a vote for mayoral appointment to a non-elected position.

**Section 42. Confirmation of Mayoral Appointment to Elected Position.** In the event the mayoral nominee does not receive a majority vote of the Council, the vacancy shall be filled by appointment made by the remaining Council members.

## Ethics

### Conflict of Interest

If a Governing Body member has a conflict of interest on a matter before the Governing Body, right after the City Clerk reads the title of the agenda item in question, that person should publicly announce the conflict and excuse themselves from the Council Room 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:

1. Violating the Kansas Open Meetings Act (KOMA).
  - a. Violations occur when three or more Council Members meet on matters the Mayor does not vote on unless there is a tie vote. On matters the Mayor votes on a violation occurs when four or more members meet. Meetings include meetings in person, by telephone, via email, using social media or by any other means of active communication for the purpose of discussing City business. On matters the Mayor does not vote on unless there is a tie vote it is not a violation for the Mayor to meet with not more than two Council Members.
  - b. 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.
2. 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.
3. Disclosing information discussed in executive session to any person not present in the executive session.
4. Not disclosing *ex parte* communications.
5. Using your office for personal gain or profit.

*If you're not sure what to do, ask:*

*Is it legal?*

*Is it ethical?*

*Is it the right thing to do?*