

CITY OF SIMPSONVILLE, SOUTH CAROLINA

TITLE: AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE II, COUNCIL, DIVISIONS 1 AND 2 BY THE ADOPTION RULES OF COUNCIL AS PROVIDED IN SECTION 5-7-250(B), SOUTH CAROLINA CODE OF LAWS; AND VARIOUS MATTERS RELATED THERETO

BASIS FOR THE ORDINANCE: TITLE 5, SOUTH CAROLINA CODE OF LAWS

CITATION OF ORDINANCE REPEALED: None

PROVISION OF ORDINANCE: See provision of ordinance below.

SECTION NUMBERS: See provision of ordinance below.

EFFECTIVE DATE OF ORDINANCE: Upon final approval by Council after second reading and signing by the Mayor.

NAME OF PERSON REQUESTING INTRODUCTION OF ORDINANCE: Committee of the Whole upon Motion of Council Member Jennifer Hulehan

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. That Chapter 2, Article II, Council, Divisions 1 and 2 of the Code of Ordinances of the City of Simpsonville, South Carolina be amended as shown on the document entitled "AMENDMENTS TO CHAPTER 2, ADMINISTRATION, ARTICLE II, COUNCIL, DIVISIONS 1 AND 2" which is attached hereto and made a part hereof by reference.

SECTION 2. REPEALER: All ordinances, orders, resolutions and parts thereof in conflict herewith, but only to the extent of such conflict, are hereby REPEALED and this Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 3. PROVISION SEVERAGE: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The CITY COUNCIL hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. SAVINGS CLAUSE: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed or amended as stated in Section 1 of this ordinance; nor shall any just or legal right or remedy of any

character be lost, impaired or affected by this ordinance.

SECTION 5. The CITY CLERK is hereby ordered and directed to cause this ordinance to be published according to law.

SECTION 6. EFFECTIVE DATE: This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and signature by the Mayor.

SIGNATURE OF MAYOR:

Janice Curtis

ATTEST:

APPROVED AS TO FORM:

Phyllis Long
City Clerk

David W. Holmes
City Attorney

FIRST READING: _____
SECOND READING: _____

**AMENDMENTS TO CHAPTER 2, ADMINISTRATION, ARTICLE II, COUNCIL, DIVISIONS
1 AND 2**

CHAPTER 2, ADMINISTRATION

ARTICLE II. COUNCIL†¹

DIVISION 1. GENERALLY

Sec. 2-31. Powers.

Except as otherwise provided, all powers of the city and the determination of all matters of policy shall be vested in the council, with each member, including the mayor, having one vote.

(Code 1995, § 2-36)

State law reference – Similar provisions, S.C. Code 1976, § 5-11-30.

Sec. 2-32. Mayor.

- (a) A mayor shall be elected from the city at large in the manner provided by law. The mayor shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. He or she shall preside over the meetings of the city council, but shall have no regular administrative duties.
- (b) The mayor shall provide the city council with information, guidance and leadership in matters of policy determination.

(Ord. No. 2016-05, 8-9-2016)

Sec. 2-33. Mayor Pro Tempore.

- (a) At the first regular meeting of a newly constituted council following a general election for city council, the council shall elect from among its members a mayor pro tempore for a term of two years, as provided in Sec. 2-63.
- (b) The mayor pro tempore shall exercise the duties of the mayor in the event of absence, disability, or disqualification of the mayor. After an extended absence of six months, the mayor pro tempore's salary shall be adjusted to the current salary for the mayor for the remainder of the absence.

(Code 1995, § 2-37; Ord. No. 2015-03, 6-9-2015; Ord. No. 2016-05, 8-9-2016)

State law reference – Mayor pro tempore, S.C. Code 1976, § 5-7-190.

¹ Editor's Note: Divisions 1 and 2 of Chapter 2, Administration, Article II were significantly revised by Ord. No. 2016-05, adopted 8-9-2016.

Sec. 2-34. Oath of Mayor and Council Members.

The mayor and council members before entering upon the duties of their respective offices shall take the following oath:

“I do solemnly swear (or affirm) that I am duly qualified, according to the constitution of this state, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of the state and the United States.

“As mayor (or council member) of the City of Simpsonville, I will equally, fairly, and impartially, to the best of my ability, and skill, exercise the trust reposed in me, and will use my best endeavor to preserve the peace and carry into effect according to law the purpose for which I have been elected. So help me God.”

(Code 1995, § 2-38)

State Law Reference: Article VI, Section 5, SC Constitution; Section 5-15-150.

† State law reference – Council form of government, S.C. Code 1976, § 5-11-10 et seq.

Sec. 2-35. Council Members.

- (a) Council members shall strive to attend all regular and special meetings of the city council and shall hold themselves at all times in readiness to perform any duty entrusted to them by the city council. The council members shall perform the duties thus imposed upon them with dispatch and to the best of their abilities.
- (b) Council members may attend meetings of city boards and commissions but shall not participate in board or commission discussions except by specific direction of city council or when the meeting relates to their property.

(Ord. No. 2015-03, 6-9-2015; Ord. No. 2016-05, 8-9-2016)

Sec. 2-36. Qualifications of Mayor and Council Members; Proceedings to Vacate Offices.

- (a) The mayor and council members shall be qualified electors of the city. Except where authorized by law, neither the mayor nor any member of council shall hold any other elected position in local, state or federal government or any other municipal office or municipal employment. The mayor or any councilmember shall forfeit his office if he:
 - (1) Lacks at any time during his term of office any qualification for the office prescribed by city ordinance or the general law and constitution of the state;
 - (2) Violates any express prohibition of S.C. Code 1976, §§ 5-1-10 through 5-17-30;
 - (3) Is convicted of a crime of moral turpitude.

- (b) The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of office as provided in S.C. Code 1976, § 5-7-210.

Sec. 2-37. Communication between the Mayor and the City Council.

The mayor shall relate to and communicate with the chair of council committees and with the city council as a whole any and all problems, situations and conditions which arise concerning any department or activity of the city. Except for the purpose of inquiry, the members of the city council shall communicate only with the mayor and city administrator in any and all matters concerning any department or activity of the city.

(Code 1995, § 2-40)

Sec. 2-38. Emergency Powers of Mayor.

- (a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, civil disturbance, catastrophe, or for any other reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare, or property.
- (b) In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the people within the city or threatening damage to or destruction of property, the mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of a state of emergency, and in order to more effectively protect the lives, safety and property of the city, to define and impose a curfew applicable to all persons within the jurisdiction of the city.
- (c) The mayor is hereby authorized and empowered to limit the application of the curfew to any area specifically designated and described within the jurisdiction of the city and to specific hours of the day or night; and to exempt from the curfew police officers, firefighters, doctors, nurses, and others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the city.

(Code 1995, § 2-41)

Sec. 2-39. Compensation of Mayor and Council Members.

- (a) The annual salary of the mayor, the mayor pro tem, and the council members shall be set from time to time in accordance with S.C. Code 1976, § 5-7-170.
- (b) No ordinance increasing or decreasing the salary of council members and the mayor shall become effective until the commencement date of the terms of two or more members elected at the next general election following the adoption of the ordinance, at which time it will become effective for all members, whether or not they were elected in that election.

- (c) The mayor and council members may also receive payment for actual expenses incurred in the performance of their official duties.

(Code 1995, § 2-42; Ord. No. 2015-03, 06-09-2015)

Secs. 2-40 – 2-60. Reserved.

DIVISION 2. MEETINGS‡

Sec. 2-61. Purpose & Authority.

- (a) The City of Simpsonville City Council has hereby established procedural rules and rules of decorum to ensure consistent and fair treatment of citizens, staff, and fellow council members, orderly and efficient public proceedings, and compliance with state and federal law. These rules of procedure are adopted pursuant to S.C. Code § 5-7-250.
- (b) This ordinance setting forth rules and procedures for the City of Simpsonville City Council shall apply to all regular, special, and emergency meetings, and meetings of the Committee of the Whole.
- (c) It is the intent of council that in the event of a conflict between these rules and the most recent edition of Robert’s Rules of Order Newly Revised, these rules shall govern.
- (d) Matters not addressed by state law, ordinance or these rules of procedure shall be governed by the latest edition of *Robert’s Rules of Order, Newly Revised*.
- (e) The city attorney shall act as parliamentarian.

Sec. 2-62. Duties of Mayor.

- (a) The mayor shall preside over the meetings of the city council. As the presiding officer, the mayor shall be responsible for ensuring all meetings are conducted in accordance with the requirements of these procedural rules. He or she shall also facilitate the orderly and timely completion of the agenda. The presiding officer decides all questions of order but, if in doubt, may put the question to council members to decide. Any member may appeal to the council from the decision of the presiding officer.
- (b) The mayor also retains his or her status as a voting member of the council and may participate in deliberations and the decision-making on all matters before the council.

Sec. 2-63. Election of Mayor Pro-Tempore.

The process by which the mayor pro-tempore shall be elected is as follows:

- (a) The floor will first be opened for nominations. Each name nominated must also receive a second in order for it to be a candidate for election.

- (b) After there are no more nominations, the floor shall be closed to nominations and the election for that officer shall follow.
- (c) Nominated candidates may be permitted to provide a brief statement prior to the election if they so choose.
- (d) Each member of the council, including nominated candidates, shall cast votes. In the case of a single nomination, voting may take place by a show of hands. In the case of multiple nominations, voting may be cast by ballot.
- (e) The candidate receiving the most votes shall be declared as elected. In the event of a tied vote, votes shall be re-cast until the tie is broken.

Sec. 2-64. Duties of Council Members.

All council members have a responsibility to adhere to the highest ideals of civility and decorum while participating in all meetings conducted on behalf of the community. In doing so, council members are expected to abide by the decorum guidelines contained herein and shall, at all times, honor the public trust and dignity bestowed upon them as elected community leaders. The council shall cooperate and support the mayor in maintaining order and civility throughout council meetings.

Sec. 2-65. Meeting Schedule.

- (a) All meetings of the council shall be open to the public. Notwithstanding, the council may hold executive sessions as permitted by the South Carolina Freedom of Information Act at such times and in such places as may be deemed necessary and in the public interest by a favorable vote of the council.
- (b) Regular meetings of the council shall generally be held on the second Tuesday of each month at 6:30 pm in the council chambers of City Hall. Committee of the Whole meetings shall generally be held on the fourth Tuesday of each month at 6:30 pm in the council chambers of City Hall except for the months of November and December.
- (c) The council may alter the schedule of meetings, particularly when a regular meeting falls on a legal holiday or if weather or other conditions make it hazardous for council members and the public to attend a meeting.
- (d) Special meetings may be called by the mayor when deemed necessary, or by a majority of council, provided at least 24 hours' notice is given to each member of the council and the time, place, and agenda of each special meeting is publicly announced at least 24 hours before the meeting.
- (e) Except in the case of an emergency, any member of the council who cannot attend a scheduled meeting shall notify the city clerk at the earliest possible opportunity and no later than 4 pm on the date of the meeting. The city clerk shall notify the city administrator and the mayor in the event that the projected absences threaten the ability to produce a quorum at the meeting.

- (f) All meetings of the council shall comply with the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10, *et. seq.*

(Code 1995, § 2-66; Ord. No. 2015-03, 06-09-2015)

State law reference – Council meetings, S.C. Code 1976, § 5-7-250.

Sec. 2-66. Agenda.

(a) Setting the Agenda

- (1) Matters to be considered by the council must appear on the published agenda for the meeting.
- (2) Agenda items that may be included on the published meeting agenda shall be set as follows:
 - a. Items that require two readings that have passed on first reading.
 - b. Items that are directed to be included on the agenda by a vote of council.
 - c. Items that must be on the agenda as required by statute, ordinance or rule.
 - d. Items that the city administrator wishes to include that require the approval of council or that are given to council by way of information.
 - e. At the request of a council member, a *Motion to Request to Amend Something Previously Adopted* or a *Motion to Rescind* shall be made. At Committee of the Whole meetings only: Such items as may be requested by a member of council. All requests shall be in accordance with the requirements of Notice to Members.
 - f. Amendments to the agenda must be made in accordance with S. C. Code Ann. §30-4-80(A).

(b) Notice to Members

- (1) All members of council should be furnished copies of all requests requiring council action in their agenda packets for upcoming meetings. This notice shall include complete copies of each proposal to be considered. Copies of proposed ordinances at second reading shall appear as amended from first reading.
- (2) In order for an item(s) to be included on the agenda based upon the request of a council member, the council member must submit the request with a memorandum stating the action to be proposed (*e.g.* motion, resolution) and the intent and purpose of the action, along with all supporting documents.

(c) Agenda Deadline(s)

- (1) Matters to be considered by the council at a Tuesday meeting shall be received by the city administrator no later than noon the preceding Wednesday before the scheduled Tuesday meeting.

- (2) A written agenda shall be furnished by the city clerk to each member of the council and shall be posted on the City of Simpsonville's website by 5:00 P.M. the preceding Friday before a Tuesday meeting. For other meetings, the agenda shall be furnished at least 24 hours prior to the meeting. The city clerk will also furnish each council member with pertinent materials and documents that accompany the agenda.

(Code 1995, § 2-72; Ord. No. 2015-03, 06-09-2015)

(d) Order of Business

- (1) Meetings shall typically proceed according to the following general order:

- a. Call to Order by the Presiding Officer.
- b. Roll Call by the City Clerk.
- c. Pledge of Allegiance.
- d. Public Hearings, if applicable.
- e. Approval of Minutes.
- f. Proclamations and Recognitions, if applicable.
- g. Presentations and Updates, if applicable.
- h. Citizen Comments.
- i. Staff Reports, if applicable.
- j. Business Items.
- k. Executive Session, if applicable. (May also occur at any time during a meeting without being on the agenda upon the vote of council if germane to an item on the agenda.)
- l. Adjournment.

- (2) The mayor may amend the order of the agenda where such courtesy is warranted. Considerations for amending the order of the agenda may include:

- a. To move forward items that involve the greatest gathering of interested parties;
- b. To move forward items that are anticipated to be relatively brief; or
- c. To move back items where the applicant or his/her representative(s) have not yet arrived.

Sec. 2-67. Opening the Meeting.

(a) Calling the Meeting to Order/Presiding Officer

- (1) The mayor shall call the meeting of the council to order at the appointed time. In the mayor's absence, the mayor pro-tempore shall call the meeting of the council to order. Upon the arrival of the mayor, the mayor pro-tempore shall immediately relinquish the presiding officer duties to the mayor.
- (2) In the absence of the mayor and mayor pro-tempore, the city attorney will call the meeting to order and as the first matter at hand a temporary presiding officer will be elected from amongst the members of the council that are present. Upon the arrival of the mayor or the mayor pro-tempore, the acting presiding officer shall immediately relinquish the presiding officer duties.
- (3) At the beginning of each meeting, the presiding officer shall consider inviting each person in attendance, including members of the council, to deactivate or silence any personal electronic devices such as cell phones for the duration of the meeting.

(b) Roll Call/Establishing a Quorum

- (1) The city clerk shall conduct a roll call in order to determine if a quorum is present. A majority of the members of the council shall constitute a quorum. A quorum shall be established before any business is conducted other than rescheduling the meeting.
- (2) If during the course of the meeting, a member of the council abstains from or must be recused from the discussion or decision on an agenda item, the quorum shall not be considered broken.

(Code 1995, § 2-68)

State law reference – Rules and procedures for council meetings, S.C. Code 1976, § 5-7-250(b).

Sec. 2-68. Executive Sessions.

- (a) No action may be taken in executive session except to adjourn or to return to public session.
- (b) It shall be unlawful for a council member or other person in attendance at an executive session to disclose to another person or to make public the substance of a matter discussed in executive session.

State law reference – S.C. Freedom of Information Act, S.C. Code 1976, § 30-4-70.

Sec. 2-69. Conduct.

(a) Decorum

- (1) It is critical for council members to project a positive image of the city in their conduct. Therefore, council members shall be expected to conduct themselves in

accordance with these rules. Staff and members of the public shall observe the same rules and decorum as applies to the council.

- (2) Members of the council, staff, and the public shall:
 - a. Treat everyone, including each other, with courtesy and shall listen attentively to persons speaking.
 - b. Gain the attention, priority, and recognition of the presiding officer prior to speaking during a meeting.
 - c. Refrain from inappropriate behavior and derogatory comments. This shall include refraining from using any profane, abusive, or obscene language.
 - d. Refrain from criticizing staff or any member of the public and shall not enter into heated arguments. This shall include refraining from using any fighting words.
 - e. Show tolerance and respect for other's opinions and issues during discussions and debates, even if it requires them to agree to disagree.
 - f. Refrain from delaying or interrupting the proceedings or the peace of the meeting. They shall not disturb any individual while speaking, nor digress from the item under consideration, nor disobey the orders of the council or the presiding officer.
 - g. Refrain from giving direction to staff on behalf of the council without having received the express authority of the council to do so.
 - h. Refrain from making promises or comments to the public on behalf of the council without having received the express authority of the council to do so.

(b) Public Participation at Meetings.

- (1) Citizens of the city or others who have standing in the city, such as business owners, shall be entitled to appear before council at regular meetings. Such persons may speak regarding matters that are within the jurisdiction of the city, except for personnel matters. At least 10 minutes prior to the time the meeting is scheduled to commence, such persons wishing to appear before council must place his or her name, address, and topic to be addressed on the public comments sign-up list maintained by the city clerk.
- (2) After recognition by the presiding officer, members of the public shall speak only from the podium. Stamping of feet, whistling, yelling or shouting, and/or similar demonstrations are unacceptable public behavior and will be prohibited by the presiding officer.
- (3) Members of the public interested in addressing the council shall announce their name and address prior to beginning their remarks. Individual comments shall be

limited to three minutes. The presiding officer will give speakers a 30-second warning before their time is set to expire. Speakers shall cease speaking when their time has expired. Speakers will not be permitted to concede any part of their allotted time to another speaker. However, the presiding officer may extend the time of a speaker by no more than three minutes depending on the length of the agenda and if necessary to receive relevant information. All remarks made by the speaker shall be addressed to council as a whole and not to any individual member of council. The purpose of addressing council is to allow council members to hear the opinions of the citizens and is not intended to afford the opportunity to engage in a debate or dialogue. Therefore, no reply or rebuttal by council members is required.

- (4) If a previous speaker has already expressed a shared view, speakers are encouraged to simply state that he or she agrees with the previous comment instead of repeating a comment already made. The presiding officer may encourage large groups and associations to select an individual to speak for the group for the purpose of avoiding repetitive comments. No member of the public shall be permitted to speak more than once during the citizens' comments portion of the meeting unless otherwise invited by the presiding officer.
 - (5) Citizens are permitted to submit documents or exhibits to the council by presenting them to the city clerk for distribution.
 - (6) The presiding officer shall rule non-germane, derogatory, disruptive, or repetitive comments out of order. The presiding officer shall have wide discretion in conducting the meeting and shall have the power to interrupt remarks at any time in the interest of expediting the orderly disposition of the business at hand. The presiding officer shall be obligated to prevent any party from unduly consuming the council's time. The presiding officer may clear the room of disruptive individuals or recess the meeting in the event of general disruption.
- (c) Council Participation at Meetings.
- (1) When a council member wishes to speak to the substance of a matter being considered, council members shall gain the attention, priority, and recognition of the presiding officer. To gain the attention of the presiding officer, council members shall use an appropriate hand gesture and shall refrain from behaviors and actions that would detract from the decorum of the meeting. If a council member is unsuccessful in gaining the attention of the presiding officer with a hand gesture, the council member may respectfully gain his or her attention by name (i.e., Mayor [*Last Name*], or Madam Mayor).
 - (2) A member of the council, once recognized by the presiding officer, shall not be interrupted when speaking except in accordance with Robert's Rules of Order. However, members of the council shall refrain from excessively repetitive comments.

- (3) Council members shall refer to each other, staff, and the public with their appropriate title and surname (i.e., Council Member Doe, Mayor Doe, or Ms. Doe).
 - (4) Council members shall direct all questions to the presiding officer. Questions shall be solely for the purpose of obtaining information or clarification and shall not be argumentative. Only the presiding officer may invite members of the public or staff to address council.
 - (5) Council members shall refrain from engaging in discussion with the public or staff. However, the presiding officer may allow a council member to engage in dialogue with a member of the public or staff if needed for the purpose of obtaining information or clarification.
 - (6) No member of council may leave the council chamber while in public session without permission of the presiding officer.
- (d) Calling a Member to Order
- (1) If, in speaking or otherwise, a council member shall violate any rule, the presiding officer or any other council member may call such member to order.
 - (2) If a member of the council, while speaking, is called to order, that member shall cease speaking until the question of order is decided.
 - (3) The presiding officer decides all questions of order but, if in doubt, may put the question to council to decide. If found to be in order, the council member shall be permitted to proceed. If the council member is found to be out of order, he or she may be penalized as the council may direct depending on the severity of the offense. A council member may not be removed from a meeting without the vote of council.

(Ord. No. 2015-03, 06-09-2015)

Sec. 2-70. Decisions and Voting.

- (a) All items of business must be introduced as motions or resolutions and shall only take effect if passed by vote of council. Motions shall be made in the affirmative. For illustrative purposes, a motion to “not approve” an action is *not* an affirmative motion. However, a motion to “deny” an action is an affirmative motion.
- (b) The presiding officer should restate the motion on the floor before deliberation occurs. The presiding officer should also identify by name the council member who made the motion as well as the council member who seconded the motion when a second is required.

- (c) The council should attempt to build consensus on an item through deliberation and discussion; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority and vice versa.
- (d) The presiding officer has the same voting rights and ability to deliberate as all members of council and can make motions, although the other council members are encouraged to make motions so that the presiding officer avoids the perception of dominating the meeting of the council. Furthermore, the presiding officer is encouraged to hold his or her comments until all other members have been given the opportunity to speak in order to effectively facilitate the discussion as it occurs.
- (e) All actions of the council shall be by majority vote of the members present at the meeting, unless a different majority is required by state law or by ordinance. Every council member present shall vote on every question except when required to refrain from voting by state law, subject to exceptions as set out in S.C. Code 1976, § 5-7-130. Votes from council members not present at the meeting shall not be counted.
- (f) The vote on every question shall be by voice vote or ballot, unless a roll call vote on a question is called for. A roll call vote may be requested by a council member, the city attorney, the city administrator, or the city clerk. The presiding officer shall place the last vote in any roll call vote. The presiding officer shall announce the results of the vote.
- (g) The vote of each member voting on the question shall be recorded in the minutes by the city clerk. Where the vote of an individual council member is not audible to the city clerk during a voice vote, and the member has made no indication that he or she is refraining from the vote, the minutes will reflect that the member voted in the affirmative. A motion that results in a tie vote shall not carry.

(Code 1995, § 2-69; Ord. No. 1999-01, § 1, 1-26-1999; Ord. No. 2015-03, 06-09-2015)

Sec. 2-71. Conflict of Interest.

- (a) The conflict of interest policy governing the members of the council is set forth in South Carolina Code of Laws §5-7-130, as it may be amended from time to time. This code section specifies the following:
 - “Any municipal officer or employee who has a substantial financial interest in any business which contracts with the municipality for sale or lease of land, materials, supplies, equipment or services or who personally engages in such matters shall make known that interest and refrain from voting upon or otherwise participating in his capacity as a city officer or employee in matters related thereto.”
- (b) A member of council may not make, participate in making, or in any way attempt to use his office to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest.

- (c) Any council member having a conflict of interest or other cause for recusal shall prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision. He shall furnish a copy of the statement to the presiding officer who shall cause the statement to be printed in the minutes. The presiding officer shall require that the council member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes.

Sec. 2-72. Committee of the Whole.

- (a) The Committee of the Whole shall receive information concerning issues that are anticipated to come before council. The purpose of the meeting is to provide a forum for a thorough and detailed discussion and consideration of prospective or current council agenda items.
- (b) Department heads will attend Committee of the Whole meetings when required by the city administrator.
- (c) The mayor shall preside over the meetings of the Committee of the Whole.
- (d) Results of votes taken are not final decisions of the council, but have the status of recommendations or a declaration of intent to be further considered by council in a meeting of council.

(Ord. No. 2014-01, 5-13-2014; Ord. No. 2015-13, 11-10-2015)

Sec. 2-73. Special Committees.

The council may appoint a special committee to assist in or hold a public hearing for council at any time upon any matter pending before it. Minutes or reports of hearings held by special committees shall be filed with the clerk as public records. Each such committee shall be automatically dissolved after it has completed the task(s) assigned to it by city council or eighteen months after its appointment, whichever comes first, unless council acts to extend it for a specified period of time.

(Code 1995, § 2-75; Ord. No. 2014-01, 5-13-2014; Ord. No. 2015-03, 06-09-2015)

Sec. 2-74. City Administrator to Attend.

The city administrator shall attend all meetings of the council unless excused by the council. He shall keep the council advised of the status of matters pending for council consideration, make recommendations and present ordinances and resolutions for council action, participate in the discussion of any matter involving the welfare of the city, and present items on the council agenda.

(Ord. No. 2015-03, 06-09-2015)

Sec. 2-75. City Attorney to Attend.

The city attorney shall attend all meetings of the council unless excused by the council. He shall act as parliamentarian, propose ordinances and resolutions, review all ordinances, resolutions and documents presented to council and give opinions upon questions of procedure, form and law to any member of council and the city administrator.

(Code 1995, § 2-73; Ord. No. 2015-03, 06-09-2015)

Sec. 2-76. City Clerk to Attend.

The city clerk shall be ex officio clerk of the city council. The clerk shall give notices of meetings, post the agenda, attend regular and special meetings, record the votes of the council, keep minutes of council meetings and perform other duties as may be assigned by the council or the city administrator.

(Code 1995, § 2-74)

Sec. 2-77. Sergeant-at-Arms.

- (a) Any law enforcement officer(s) providing security at any meetings of council or council committees shall also function as the sergeant-at-arms and shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at any council or committee meeting.
- (b) Upon instruction of the presiding officer, it shall be the duty of such law enforcement officer to remove from the council or committee meeting any person who is disturbing the proceeding of the council.

(Ord. No. 2015-03, 06-09-2015)

Sec. 2-78. Records.

- (a) The city clerk shall keep written minutes of all public meetings of council. At a minimum the minutes shall indicate the council members in attendance, the motions (and seconds) made, and the votes taken. These minutes shall be a matter of permanent public record. At each regular meeting of the council, the minutes of the previous meeting(s) shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by council. Any member of the council desiring to express a position on a matter voted upon by council in the minutes may do so by presenting the position in writing to the council not later than when the minutes are considered for approval by council.
- (b) Clerical errors that do not affect the substance of an ordinance, resolution, or other public record of the council may be corrected by the city clerk upon the discovery of the error. Examples include errors in numbering, spelling, or grammar.

(Code 1995, § 2-69)

Section 2-79 - 2-90 Reserved