

RESOLUTION NO. 2396

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SALISBURY, MARYLAND AMENDING THE SALISBURY  
CITY COUNCIL REGULATIONS AND RULES OF ORDER

WHEREAS, §SC2 - 6 of the Charter of the City of Salisbury provides that the City Council shall determine its own rules and order of business; and

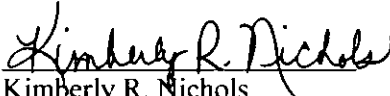
WHEREAS, the City Council of the City of Salisbury has previously adopted Regulations and Rules of Order by Resolution No. 737, and has amended those Regulations and Rules of Order by Resolution Nos. 806, 876, 972, 1043, 1335, 1386; 1451, 1476, 1577, 1600, 1672, 2072 and 2251; and

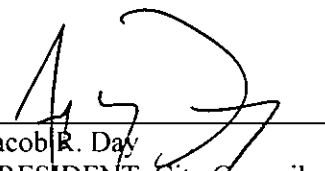
WHEREAS, the City Council has periodically amended its Regulations and Rules of Order.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Salisbury, Maryland, that the Salisbury City Council Regulations and Rules of Order are hereby amended by the addition of a new section as shown on Attachment A, with deletions struck through and additions underlined.

THE ABOVE RESOLUTION was introduced, read and passed at the regular meeting of the City Council of the City of Salisbury, Maryland held on this 28<sup>th</sup> day of April, 2014, and shall become effective immediately upon adoption.

ATTEST:

  
Kimberly R. Nichols  
City Clerk

  
Jacob R. Day  
PRESIDENT, City Council

SALISBURY CITY COUNCIL  
REGULATIONS AND RULES OF ORDER  
As Amended on \_\_\_\_\_, 2014  
As Amended on February 25, 2013

1. PREAMBLE

The City Council is the legislative and policy-setting ~~part-branch~~ of the City's ~~organization~~ government. The Mayor is responsible for carrying out the executive and administrative duties of the eCity, including administering the policies and enforcing the laws set by the eCouncil. The laws enacted by the Council are called ordinances. Usually, the policies established by the Council are enacted by resolution. The Council is made up of five (5) members, elected by the people to four (4) year ~~staggered~~ terms.

It is the ~~fixed~~ policy of the Salisbury City Council to facilitate the expression of views and the introduction of legislation by members of the Council; and to promote the orderly, open discussion of issues relevant to the government of the City. These Rules shall be construed to promote that policy and shall be in effect upon their adoption by a simple majority of the City Council present and voting until they are amended or new rules are adopted.

2. ATTENDANCE AND PARTICIPATION AT COUNCIL MEETINGS

Council members are expected to attend all meetings (regular, special, work sessions, closed sessions, and budget sessions) of the City Council. If a Council member cannot attend a meeting of the City Council because of illness, vacation, business travel or other unavoidable circumstance, the City Clerk shall be advised of such absence and shall notify the entire Council. Council members shall be physically present in legislative meetings in order to participate and/or vote. Any Council member may participate in work and budget session meetings via any appropriate and available electronic means, such as telephone or video conference, provided that no more than one Council member is exercising this option at one meeting and that no one Council member ~~avails themselves of exercises~~ this option more than four (4) times a year, ~~based on beginning~~ with the start date of the Council member's term of office.

3. COUNCIL MEETINGS

- A. Regular open meetings of the Salisbury City Council will be held in Room 301 of the City/County Government Building, 125 N. Division Street, Salisbury, Maryland, unless notice to the contrary is given. Regular meetings are held on the second and fourth Mondays of each month at 6:00 p.m. except when Monday falls on a legal holiday. In the event that a City holiday falls on Monday, the meeting will be moved to the following Tuesday.
- B. Special open or closed meetings may be held at any time and place the City Council determines is appropriate.

- C. All meetings of the Salisbury City Council will be ~~tape~~electronically recorded by the City Clerk. A recording of an open session made by a member of the public, or any transcript derived from such a recording, may not be deemed a part of the record of any proceeding of the City Council of the City of Salisbury.
- D. Notice of open and closed meetings will be posted on the bulletin board in the lobby of the City/County Government Building, 125 N. Division Street, Salisbury, Maryland and on the City's web site, for a reasonable time in advance of the meeting.
- E. The City Clerk will notify the news media of regular and special open meetings, work sessions and closed sessions.
- F. A representative of the news media or any member of the public may record or photograph the proceedings of the City Council at an open session if:
  - 1. ~~If~~The equipment is operated from a fixed position that does not block the view of any other person. The equipment may be occasionally moved about the room, but only to the extent that the use of the recording device or camera does not become disruptive of the meeting. Artificial light may be used, but only reasonably and not for any extended period of time or ~~such as to become~~in any manner that is disruptive.
  - 2. ~~If~~The equipment or its operator does not create a noise or confusion that disturbs members of the City Council or other persons attending the session.
  - 3. ~~At an open session, representatives of the news media or any member of the public may place~~Microphones placed on the City Council table ~~if they are to be~~ kept in a central location and ~~may~~not interfere with or disturb the meeting.
  - 4. A representative of the news media or any member of the public who desires to arrangements for the use of a recording device or camera at an open session in a manner not consistent with the provisions of this section may request such special arrangements in advance by contacting the City Clerk's Office.
- G. ~~Regular Council M~~meetings and Work Sessions are broadcast live on PAC14. An individual Council member desiring to schedule a televised meeting, or ~~tape-record~~a meeting for later broadcast, using the facilities in the Council Chambers, must receive a consensus of the City Council in advance.

#### 4. AGENDAS

- A. On the agenda for each work session shall be an opportunity for Council members to discuss the proposed agendas for upcoming regular Council meetings and work sessions.

- B. The preliminary agenda for each regular Council meeting shall be prepared by the City Clerk by 4:00 p.m. on the Thursday preceding the next regularly scheduled meeting by eleven (11) days. The Clerk shall distribute the preliminary agenda to the administrative staff and the Council as soon as it is prepared. If any Council member or a member of the administrative staff wishes to add or delete an item, they are to submit the request in writing, including a brief description, timeline, and any other pertinent information related to the item, to the Council President by noon on the Wednesday preceding the next regularly scheduled Council meeting by five (5) days.

The Clerk shall distribute supporting materials and details for items published on the Council agenda to Council no later than the close of business on the Wednesday preceding the Council meeting or Work Session.

- C. The Mayor, a member of the Council, or a member of the public may request that an item be placed upon the agenda for a Council meeting provided such request is made in writing prior to the established deadlines with a copy to the City Clerk who will acknowledge receipt to the requestor. Only matters of an emergency or urgent nature may be added to the agenda after those deadlines.

Any Council member wishing to present a Certificate of Appreciation or Certificate of Recognition must receive a consensus of the Council in advance before it is placed on an agenda.

- D. The Council President shall place upon the agenda of the Council meeting any item which is legal, constitutional and proper for the Council to consider, provided, however, that the Council President may reasonably defer a requested agenda item until a future meeting of the Council in order to secure full attendance by Council members, to afford the public ample opportunity to appear and observe the Council's consideration of such agenda item, or to secure the input of the City's staff.
- E. Items which are matters of a routine, non-controversial nature may be placed on the agenda under Consent Agenda. The purpose of the consent agenda is to provide a method for the expeditious handling of items which, in the opinion of the Council President, City Clerk and City Administrator, will not require discussion and will be approved unanimously by the Council. Items shall be removed from the Consent Agenda at the request of any individual Council member.
- F. Except in the case of an emergency or a matter of an urgent or time sensitive nature, no matter will be discussed in a Council meeting which was not reasonably described in the published agenda for such meeting in accordance with the City's Open Meeting rules.
- G. The Mayor, the Council President, the City Administrator, the City Clerk, and all persons involved in the process of creating meeting agendas, shall endeavor to provide all members of the Council and other relevant City personnel with as much

advance notice of agenda items as is feasible in the interest of fostering informed discussion of such agenda items at meetings.

## 5. CONDUCT OF REGULAR MEETINGS

- A. The Council President or Council Vice President shall call the meeting to order at the appointed hour. In the absence of both the Council President and Council Vice President, a President Pro Tem shall be selected to preside over the meeting.
- B. After calling the meeting to order, the Council President shall entertain a motion to adopt the agenda for the meeting as presented. After such motion has been made and seconded, any Councilmember may request the deletion of any item on the agenda, a ~~or~~ change in the order of any agenda item, or the addition of any urgent or emergency item. Such changes may be approved by consensus, or in the absence of a consensus, such changes shall be approved upon affirmative vote of a majority of the Council. Any member of the Council may also request that an item be removed from the consent agenda for discussion, for further information, or in order that there might be a separate vote on that item as described in 4.E.
- C. The Council President shall control discussion of the Council on each agenda item to assure full participation in accordance with the Rules of Order.
- D. Each agenda item shall be separately announced by the Council President for purposes of discussion and consideration. To place an agenda item on the floor, the Council President shall entertain a motion and a second to approve. All discussion shall be germane to the agenda item.
- E. A Council member shall speak only after being recognized by the Council President. A Council member recognized for a specific purpose shall limit remarks to that purpose. A Council member, after being recognized, shall not be interrupted except by the Council President to enforce these rules. The Council President, as a member of the Council, may enter into any discussion.
- F. In order to afford all Council members an opportunity to speak on an agenda item, a Council member may speak in debate twice on any debatable motion and may speak for up to five minutes each time. A Council member may not save time or transfer/yield their time to another Council member. The period of time allotted for Council debate may be modified by adopting a motion to extend or limit debate.
- G. After being recognized by the Council President, a member of the Council, during discussion of any agenda item, or during a public hearing, may request and receive information, explanations or opinions of the Mayor, City Administrator, City Solicitor, City Clerk or any City department head.
- H. Council members are encouraged to direct comments to agenda items and to conduct meetings in a professional manner as referenced in the adopted City Council Code of

Conduct (Resolution No.1513 – April 23, 2007). Council members shall be respectful to the public and City staff members at all times.

- I. For all required public hearings conducted by the City Council, citizens wishing to provide testimony will be administered an oath by the City Clerk, or in the City Clerk's absence, administered by the City Attorney.

6. PUBLIC INPUT

- A. Public comments should be directed to the agenda item under consideration. The Council President shall rule on the germaneness of the citizen comments.
- B. A citizen who has been recognized by the Council President to address the Council is requested to state his or her name, whether he or she is a resident within the corporate limits of Salisbury, and any organization affiliation he or she is representing.
- C. In order to afford all persons an opportunity to speak regarding an agenda item, the Council President may impose a reasonable limit upon comments made by members of the public, and/or may limit the number of times a member of the public may speak regarding an agenda item.
- D. Any person making personal, impertinent or slanderous remarks, or who becomes boisterous in any manner that disrupts the meeting while addressing the Council, may be requested by the Council President to leave the meeting immediately.
- E. No placards, banners, or signs will be permitted in the Council Chambers or in any other room in which the Council is meeting. Exhibits, displays and visual aids used in connection with presentations to the Council are permitted.
- F. The Council President shall accept public comments from citizens during Council consideration of an item, in addition to a general public comments period. ~~A time may be established for public comments for citizens to address the Council on any item which is not on the agenda for that meeting.~~ A time limit of three minutes per comment may be imposed and citizens are subject to the same rules of conduct as described above. If a prepared statement is available, a copy should be given to the City Clerk. Generally, members of the Council will not comment upon the ~~comments~~ remarks made by a member of the public. If they are administrative issues, the Council President will refer them to the Mayor's Office for a response. Questions posed by a citizen during the public comments portion will be logged, and tracked, by the City Clerk. The City Clerk will forward the questions to the City Administrator for a response. All City Council members and the City Clerk will be provided a copy of the response from the City Administrator.
- G. Members of the public shall be courteous to their fellow citizens and the proceedings while the Council is in session by avoiding conversations within the Council Chambers and the entrance hallway into the Chambers.

- H. Signed communications shall be accepted by the Council, but are not to be read in their entirety during the meeting. Signed communications shall be submitted to the City Clerk to be attached to the minutes as part of the record.

## 7. VOTING AND THE MAKING OF MOTIONS

- A. Any member of the Council, except the Council President, may make or second a motion for the Council to take action regarding any agenda item, subject to the City Ethics Ordinance and State Ethics Law.
- B. Any member of the Council may vote regarding any agenda item, subject to the City Ethics Ordinance and State Ethics Law.
- C. The Council President may not make a motion, and may second a motion only when there are only three (3) members of the Council, including the President, present and voting.
- D. In the absence of the Council President, the Council Vice President shall be subject to the same limitations upon voting and the making of motions as the Council President.
- E. The City Clerk shall record the name of the Council member making each motion and the name of the Councilmember who seconded the motion.
- F. Discussion shall be closed on any item by the Council President with the concurrence of a majority of the Council. At the conclusion of debate, the Council President shall call for a vote.
- G. During the course of the meeting, if it becomes necessary to temporarily delay action on an agenda item because of more urgent business, a Council member may move to “lay the item on the table”. The motion requires a second, is not debatable and requires a majority vote for adoption.
- H. After an agenda item has been laid on the table, it can be taken from the table by a motion to “take the item from the table”. The motion requires a second, is not debatable and a majority vote is required. If a motion to “take from the table” is not received by the close of the meeting, the agenda item dies at the end of the session.
- I. If a Council member wishes to “kill” a motion on the floor, a motion to “postpone indefinitely” shall be used. The motion requires a second, is debatable and a majority vote is required for adoption.
- J. If a Council member wishes to defer an agenda item to another meeting, the motion to “postpone to a certain time” is used. The motion requires a second, is debatable and a majority vote is required for adoption.

- K. In the absence of a rule to govern a point of procedure, the City Council shall follow the general practices of the latest published edition of Robert's Rules of Order.

## 8. WORK SESSION MEETINGS

- A. The Council may conduct work session meetings on matters which are expected to come before the Council for formal action at a regular meeting or otherwise need study by the Council. Items to be considered will be placed on the agenda by the Council President. The agenda shall be distributed on the Wednesday preceding the work session meeting. Because work sessions are considered informal, items not appearing on the printed agenda may be considered for discussion by a consensus of the Council.
- B. At work session meetings, the Council shall receive information and presentation of issues from the Mayor, City staff and/or invited resource persons. Council may ask questions and may request that certain information be provided or issues be addressed when items are considered further at another work session meeting or a regular meeting of Council. Council may direct that matters under consideration be brought forward for formal action at a regular meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before a matter is considered further.
- C. Final action on items is not taken at work session meetings. The Council may decide by consensus, or by a majority vote, on how to proceed on various items under consideration. However, no formal vote of the Council in favor or against any agenda item may be taken at a work session meeting.
- D. Work sessions are considered public meetings under the terms of the open meetings law and the public can attend. Members of the public or an interested party may have the right to address the Council only on items under consideration in a work session. The Council President shall control the discussion of the Council and the public in accordance with the Rules of Order. Comment forms shall also be made available for any member of the public to submit written comments on any agenda item for consideration by the Council.

## 9. CLOSED SESSION MEETINGS

- A. The Council may conduct Closed Session Meetings as permitted by State Law. Everything that is discussed during a closed session, and all materials which are reviewed during a closed session or are prepared in anticipation thereof, shall be considered confidential. No council member shall publicly disclose any such information or material. Public disclosure may be made in the event a majority of the council members vote to approve the public disclosure prior to its disclosure.



- B. No council member shall make any disclosures or release any information which would result in the waiver of the attorney/client privilege without first obtaining the approval of a majority of the council in open session.

#### 10. PROCEDURES FOR SECURITY AT CITY COUNCIL MEETINGS

- A. A Salisbury Police Department officer will report to the City Council Chambers at least one-half hour prior to the meeting and will have their radio. Prior to the meeting, a Salisbury Police Department officer will conduct a visual sweep of the Council Chambers, stairways, elevators and surrounding hallways for any suspicious items such as packages, letters, etc.
- B. The Salisbury Police Department officer must not leave the Council Chambers until the conclusion of the meeting unless an emergency occurs.
- C. If a problem or disturbance arises, the following procedure will be followed:
  - 1. The City Council President will ask the disruptive person to leave the meeting room. In the event of an arrest, the Council President may be summoned to court as a witness.
  - 2. Should the person leave, no further action will be taken.
  - 3. Should the disruptive person refuse to leave, the individual will be requested to leave by the Salisbury Police Department officer. If the person does not leave at that time, the individual will be arrested for trespassing and/or disorderly conduct. If a second member of the Salisbury Police Department is present for the meeting, that person will transport and place the appropriate charges on the arrestee. If a problem was not anticipated, and only a single member of the Salisbury Police Department is present, the member will contact communications to have a patrol officer respond to the meeting room and that officer will conduct the transport while the Salisbury Police Department officer remains in the meeting to ensure continued security. Once the meeting has concluded, and the Council members are safely out of the building, the Salisbury Police Department officer will then respond to headquarters and will charge and transport the arrested subject. If an arrest occurs during the City Council meeting, the Salisbury Police Department officer will notify the Salisbury Police Department Commander upon the conclusion of the meeting.
- D. If there is no problem, the Salisbury Police Department officer will remain at the meeting until its conclusion and will ensure that City personnel are safely out of the building.
- E. The City Council Chambers will be posted with a sign indicating the following:

“For the safety of all persons, all bags and boxes are subject to search. Any persons that refuse to submit to such search may be denied entry.”

If a threat is received or probable cause exists to indicate that there may be a problem with a bag or package, the Salisbury Police Department officer will request that the subject in possession of the bag submit to a search as described.

If the subject refuses to allow the search, the subject will be denied entry to the meeting room. If this causes further disturbance, the above policy regarding arrest will be followed.

- F. If information is received concerning a possible bomb threat, the Salisbury Police Department officer will use the proper procedure to notify the on duty squad commander who will then make the required notifications as outlined in the Salisbury Police Department Written Directives #46.1.5 (BombThreats/ Explosions).

#### 11. USE OF COUNCIL TRAVEL AND TRAINING BUDGET

- A. Council members shall comply with the City of Salisbury Employee Handbook’s policies on travel.
- B. Prior to incurring any travel expenses, a Council member shall obtain approval of the travel from the Council. Travel expenses incurred without the prior approval of Council shall not be reimbursed or, if mistakenly reimbursed, shall be refunded by the Council member within thirty (30) days of written notification of the error by the City Clerk.
- C. No member of Council shall use more than 1/5 of the appropriated total of the Council’s travel and training budget without prior approval of the Council. If the amount used by any Council member exceeds this amount, the excess shall not be reimbursed or, if mistakenly reimbursed, shall be refunded by the Council member within thirty (30) days of written notification of the error by the City Clerk.

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Adopted: 10/23/00 by Resolution No. 737  
Amended: 11/26/01 by Resolution No. 806  
Amended: 8/26/02 by Resolution No. 876  
Amended: 5/12/03 by Resolution No. 972  
Amended: 12/8/03 by Resolution No. 1043  
Amended: 11/28/05 by Resolution No. 1335  
Amended: 3/27/06 by Resolution No. 1386  
Amended: 10/23/06 by Resolution No. 1451  
Amended: 1/8/07 by Resolution No. 1476  
Amended: 10/8/07 by Resolution No. 1577  
Amended: 11/26/07 by Resolution No. 1600  
Amended: 7/14/08 by Resolution No. 1672

Amended: 7/11/11 by Resolution No. 2072  
Amended: 9/10/12 by Resolution No. 2203  
Amended: 2/25/13 by Resolution No. 2251