

Code of Procedure for the Commission
of the City of Fort Scott, Kansas

1. Preface

The Rules set out in this Code of Procedure are based upon *Simple Rules of Parliamentary Procedure for the 21st Century* by Dave Rosenberg, and *Code of Procedure for Kansas Cities* published by the League of Kansas Municipalities.

2. Purpose

This Code and its Rules are intended to govern the meeting procedure of the City Commission and all subordinate boards and commissions created by the City unless some other procedure shall be required by Kansas Statute or ordinance. As such, where the word 'Commission' is used it can also be read to refer, where context indicates, to any subordinate commission or board under the jurisdiction of the City in the conduct of their meetings under these Rules. Similarly, 'Commissioner' and 'Chair' should be read in context by subordinate boards or commissions to refer to the appropriate member(s) of a subordinate board or commission proceeding under these rules.

3. Introduction

Modern parliamentary procedure is built on a foundation supported by the following four pillars:

- (1) Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- (2) Rules should be clear. Simple rules lead to wider understanding and participation.

Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.

(3) Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the Commission and feels that it has participated in the process.

(4) Rules should enforce the will of the majority while protecting the rights of the minority.

The ultimate purpose of rules of procedure is to encourage open yet courteous discussion by the Commission, while ensuring efficient decision-making even when subjects are delicate, or tempers are raw. In a democracy, majority rules. Thus, rules must enable passage of a result fashioned by the majority to reflect its position, while permitting the minority to fully participate, but not dominate, the process while expressing their separate positions. Similarly, hyper-technical application of the Rules and/or political gamesmanship must not be allowed to thwart the purpose of these Rules.

4. The Role of the Chair

The City of Fort Scott adopted the Commission-Manager form of government in which it elects five (5) at-large Commissioners. Each year, the Commission selects from its members a Mayor and a President of the Commission. The Mayor serves as the Chair under these Rules. In the Mayor's absence the President of the Commission shall act as the Chair. When

both the Mayor and President are absent the Commission shall appoint a Chair *pro tem* to serve for the duration of the meeting or until the Mayor or President is in attendance, whichever is shorter.

While all Commissioners should know and understand the Code of Procedure and the underlying law, it is the Chair, with the advice of the City Attorney acting as parliamentarian, who is charged with applying these rules in the conduct of the meeting.

The Chair should be well versed in these Rules. While the intent is for the Rules to govern, they are subject to the purpose from which they originate. As such, the Chair should balance technical application of the Rules with the practical needs of the City. This is done so that hyper-technical application of rules or gamesmanship do not prevent passage of the majority's result or silence the dissent.

The Chair has the power to rule on procedural issues under these Rules and the Chair makes a final ruling every time they take an action. In fact, all procedural decisions by the Chair are final unless overruled by the remainder of the sitting Commission. However, each decision of the Chair stands alone.

Since the Chair runs the conduct of the meeting, it is customary for the Chair to play a less active role in the debate and discussion than other members of the Commission. This does not prevent the Chair from participating in the debate or discussion. To the contrary, the Chair has the full right, as a member of the Commission, to participate in the debate, discussion, and decision making of the

Commission. What the Chair should do, however, is strive to be the last to speak, and not make or second a motion unless convinced that no one else will do so at that point in time.

5. Agenda

The "agenda" for a meeting is the pre-approved roadmap for conduct of the meeting. While the Kansas Statutes do not require a written agenda, it is highly encouraged; when a governing body uses an agenda, it is bound by it.

Fort Scott has historically used an agenda, and these Rules require the use of a written agenda for public body meetings. The City Clerk prepares and distributes the agenda for Commission meetings (subordinate boards and commissions should have their secretary, or other appointed member, compile and publish the agenda for their meetings). The agenda is required to be supplied to the Commissioners and staff in advance of the meeting, and to the members of the public that attend. The Clerk may fix deadlines from time to time for receipt of items for the agenda so that it may be timely compiled and distributed.

The City has established the following agenda format (with descriptions as necessary) which can be adjusted by the clerk to fit the current needs of the day.

I. Call to Order
II. Roll Call
Clerk takes roll and ensures a quorum
III. Flag Salute
Led by the Mayor or designee
IV. Invocation
V. Approval of Agenda
The Agenda may be amended by majority vote to reflect last minute changes, but addition of items should be carefully considered as the agenda gives the Commissioners, staff, and the public notice of the subjects to be considered and time to prepare.
VI. Proclamations/Recognitions
VII. Consent Agenda
The Chair asks if any Commissioner would like a matter pulled from the consent agenda. Any requested item is moved to new business for discussion and individual vote or, motion to table or postpone.
VIII. Public Comment
This comment period is provided by consent of and subject to the limits set by the Commission, as there is no legal requirement for an open public comment period. Members of the public may sign up to speak to the Commission on any matter <i>not otherwise on the agenda</i> .
IX. Old Business
If any action items were unresolved at a prior meeting or if an item was tabled for later consideration those are placed here.
X. Appearances
This section is for formal presentations by outside parties to the Commission on subjects requested either by staff or Commission members

XI. New Business

Items that require formal action by the Commission (action items) are placed here.

A. Public Hearings

Action items that, by law, require a public hearing are placed here. Consideration of approval of items at the conclusion of the public hearing may be taken.

B. Resolutions

Resolutions should be listed by title and a general description of the subject matter.

C. Ordinances

Ordinances should be listed by title and a general description of the subject matter.

XII. Reports and Comment

This is the part of the meeting that allows for Staff, the Commissioners, and the City Manager to provide comment that would not otherwise fit in an agenda section. However, there is no action taken here on action items. Any action items with reports must be handled as old or new business.

A. Director Reports

B. Commissioner Reports and Comment

C. City Manager Report and Comment

XIII. Executive Session

May be requested by any Commissioner, the City Manager, or the City Attorney. Sessions can be taken at any point in the meeting by approved motion of the Commission.

The agenda should be managed by the Chair, who should announce the section under consideration and control the progress through the agenda. This includes ensuring

that the members and speakers adhere to the agenda to avoid confusion.

6. Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A "quorum" is defined as the minimum number of members of the Commission who must be present at a meeting for business to be legally transacted. The default rule found in opinions of the Attorney General is that a quorum is one more than half of the Commission.

Thus, a quorum consisting of three (3) of Fort Scott's five (5) member City Commission are required for a meeting. When the Commission has three members present, it can legally transact business, meaning it can take legally binding action (the Kansas Open Meeting Act applies whenever a quorum of the Commission is together to transact business). If the Commission has less than a quorum present, it cannot legally transact business.

Even if the Commission has a quorum to begin the meeting, the Commission can lose the quorum when a member departs (or even when a member leaves the dais). When that occurs, the Commission loses its ability to transact business until and unless a quorum is reestablished.

Without a quorum, the body can act to open a meeting for the purpose of announcing a postponement due to lack of quorum, or, if the meeting loses a quorum while in progress, the Commission may act on a motion to recess or adjourn.

7. Motions in General

Motions are the vehicles for decision making by a Commission. The motion is a call to make a decision on the subject contained therein. The subject of a motion is typically procedural or legislative, but there are exceptions. It is usually best to have a motion before the Commission prior to commencing discussion of an agenda item. This helps the Commission stay focused.

Motions range from the simple, oral, procedural motion—such as a motion to recess—up to a motion to approve and adopt a Charter Home Rule Ordinance. The basic procedure is similar, but the specifics of each type of motion will vary.

The basic procedural motion need only be made orally and can be brought without any forewarning. However, motions to adopt policy changes, enact or modify law or previously passed ordinances or law should be in writing so that there is no confusion. In the interests of notice, written ordinances should be provided to the Clerk for inclusion as an agenda item. Normally, a change in law or policy should be prepared by staff at the request of or in concert with a Commissioner who intends to put the matter before the Commission.

Motions are made in a simple two-step process. First, the Chair should recognize the Commissioner. Second, the Commissioner makes a motion with the words "I move ..." Typical motions may include: "I move that we give a 10-day notice in the future for all of our meetings;" "I move we adopt the consent agenda;" or "I move that we adopt Ordinance 1234".

The Chair may also put a motion on the floor in one of three ways:

1. By inviting the members of the Commission to make a motion, possibly with some direction to the agenda item before them. For example, "I would consider a motion at this time to approve the consent agenda." Alternatively, the Chair may state "A motion at this time would be in order," without suggesting a subject.
2. By suggesting a motion to the members of the Commission as a way of regaining order or focus during a debate. For example, during debate, "I would entertain a motion on the issue at this time," or "Commissioner Smith, do you have a motion?"
3. By making the motion. As noted, the Chair has every right as a Commission to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other Commissioner is willing to step forward to do so at a particular time.

8. The Three Basic Motions

Basic motions, meaning those that deal with meeting procedure or 'working the agenda' have three general forms. These should be distinguished from the enactments of law or policy that may be the subject matter of a motion, i.e., the thing to be adopted by the decision. The three motions that are most common at meetings include:

The Basic Motion. The basic motion is the one that puts forward a decision for the Commission's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our

annual fundraiser," or "I move we adopt resolution 2020-1."

The Motion to Amend. When a Commissioner wants to change a basic motion that is before the Commission, they move to amend it, i.e., "I move that we amend the motion to have a 10-member committee." A motion to amend takes an already passed basic motion and changes it in some way. This is more efficient than rejecting a motion, only to immediately move to consider a very similar one, such as when two versions of the same idea are being debated.

The Substitute Motion. When a Commissioner wants to completely do away with the basic motion that is before the Commission, and put a new motion before the Commission, they would move for a substitute motion. For example, when a motion to fund a new swimming pool is on the floor, a substitute motion might be: "I move for a substitute motion that we cancel the pool season this year." If passed, instead of voting on funding of the pool, the final vote would be on whether the pool should open at all, the motion that substituted for the original motion.

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different.

A motion to amend seeks to retain the basic motion on the floor but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to

amend" or a "substitute motion" is left to the Chair. So, if a Commissioner makes what that Commissioner calls a "motion to amend," but the Chair determines that it is really a "substitute motion," then the Chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time, and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a Commissioner who has the floor may simply say, "I want to suggest a friendly amendment to the motion."

The Commissioner suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accept the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

9. Working Agenda Items

Action items can be handled, in their appropriate agenda section, by the Chair in the following basic format:

First, the Chair should clearly announce the action item by title (and number, if assigned) and should clearly state what the agenda item subject is. If the item is a public hearing, the Chair should properly open the public hearing. The Chair should then announce the procedure that will be followed in considering the agenda item (e.g., public hearing,

ordinance reading or final consideration, resolution consideration, etc.).

Second, the Chair should invite the appropriate person or persons to give the staff report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a member of the Commission, a staff person, or a committee Chair charged with providing input on the agenda item.

Third, the Chair should ask members of the Commission if they have any technical questions of clarification. At this point, members of the Commission may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, if it is a public hearing, the Chair should invite public comments, for or against the item. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of each public speaker. At the conclusion of the public comments, the Chair should announce that public input has concluded (or the public hearing is, as the case may be, closed).

Fifth, the Chair should invite a motion. The Clerk should announce the name of the Commissioner who makes the motion.

Sixth, the Chair should call for a second to the motion. The Clerk should announce the name of the Commissioner who seconds the motion. A motion requires a second before proceeding to ensure that not just one member of the Commission is interested in a particular approach. If the motion fails to get a second, it dies and is not discussed or considered further.

Seventh, if the motion is made and seconded, the Chair should make sure everyone understands the motion to be voted upon.

This is done in one of three ways:

1. The Chair can ask the maker of the motion to repeat it;
2. The Chair can repeat the motion; or
3. The Chair can ask the City Clerk to repeat the motion.

Eighth, the Chair should now invite discussion of the item by the Commission. At this point the question for vote may be amended, a substitute put forward, or even withdrawn, based on the discussion. After the discussion has ended the Chair should announce that the Commission will vote on the motion. If there has been no or very brief discussion, then the vote on the motion should proceed immediately. If there has been meaningful discussion and certainly when there has been amendment or substitution, the motion should be reread to make sure that all understand the matter being voted upon.

Ninth, the Clerk calls the vote. The order of voting shall start, at each meeting, in the order the Commissioners are seated at the table, starting at the left and proceeding clockwise. For each subsequent vote at that meeting the Clerk will shift one place clockwise and call the first vote from that Commissioner.

There are four possible responses to the roll call: "yes", "no", "pass", and "abstain." "Yes", and "no" are self-explanatory. A Commissioner may "pass" their vote once in a roll call, meaning that they may move to the

end of the line before casting their vote. When the Clerk has gotten through the list once, the votes of those who passed will be called for in the same order as the initial vote. The final option is that a Commissioner may "abstain" from a vote

What is an abstention? Any time a Commissioner votes "abstain", says "I abstain," or makes any manifestation of intent not to vote "yes", "no", or "pass" when the vote is called by the Clerk on the pending motion, then that is considered an abstention.

Tenth, unless otherwise required, a motion passes when there are more "yes" votes than "no" votes, a simple majority. There are specific requirements for passage of certain motions (i.e., super majority, majority of all Commissioners as opposed to those members present, etc.) The more common ones are set out below. Before the vote, the Commission will normally be advised of the standard of passage if something other than a simple majority of those present is required, but the underlying law on the subject will govern.

After all the Commissioners have voted, the Clerk should announce the result of the vote and what action (if any) the Commission has taken. In announcing the result, the Clerk should indicate the Commissioners, if any, who voted in the minority on the motion (or abstained) so that it can be clearly reflected in the minutes. This announcement might take the following form: "The motion requiring a 10-day notice for all future meetings of this Commission passes by a vote of 3-2, with Smith and Jones dissenting," or, "Ordinance Number 1234 passed 3-1 with Smith dissenting and Jones abstaining."

At this point the Chair should call the next item on the agenda.

It should be noted that the same basic procedure set out in this section may be used when considering any motion, even oral procedural motions. The basic pattern of motion, second, discussion, vote should be followed for any decision.

10. Special Character of Ordinances

When the action item before the commission is a change in law or significant City policy, a written ordinance is required. When an ordinance is considered, the matter must be read and considered before the Commission twice, generally at two separate meetings. This is so that the Commissioners, staff, and public have notice of the proposal, allowing comment, follow up, and discussion before final passage.

The procedure is as follows: The written ordinance is set on the agenda as new business. During new business a motion for first reading of the ordinance is made and seconded. If passed, the matter is read by title only and discussion is opened. After the first reading and discussion, the chair may entertain a motion to accept the 1st reading and set it for second reading. If that passes the matter is set for a second reading at the next meeting, following the same procedure. The motion after the second reading is to accept the second reading and for final passage. If that passes the matter is an adopted ordinance.

The time between the first and second reading should be used for research, evaluation, and consideration of public comment so that when the matter comes up for the second time there is no delay required for Commissioner to be ready to discuss and vote

on a matter. For matters that require quicker approval, the Commission can vote to suspend the rule and allow both the first and second reading on the same night. This should be reserved for appropriate circumstances, however.

11. Multiple Motions Before the Body

For clarity, it is best to have one substantive motion on the floor at a time. However, as motions may be made that clarify, alter, or replace the original substantive motion, and various unrelated procedural motions can be made at any time, having more than one motion on the floor is unavoidable. The Commission needs rules and guidelines to manage this possibility.

As a result, there can be up to three motions on the floor at the same time: an original substantive motion and two motions that change or alter it (amendment, substitution, etc.). This is the Three Motion Rule. The Chair can reject a fourth motion until the Chair has resolved at least one of the three motions that are on the floor. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the Chair. The exceptions to the Three Motion Rule are those that are required by law and those based on what is known, in more formal parliamentary rules, as The Privileged Motions.

The Commissioners and/or staff always have the option of calling for an executive recess (sometimes called an executive session) if it appears that a matter would qualify under the provisions of the Kansas Open Meeting Act. An executive recess is a portion of a meeting where the public is excluded. The

Commissioners have an absolute right to attend any executive recess. Only other persons integral to the recess are allowed to attend and the recess must follow the strict rules set out in the KOMA, including those for calling the recess and the conduct thereof.

A motion to recess into executive session should succinctly and briefly state the reasons for that request without revealing protected information and must cite to the specific statutory justification for the recess. The City Attorney, Staff, and the Commissioner should discuss the matter and make sure the motion is properly set out before a vote.

A question as to an executive session takes priority over any other business, even the privileged motions listed below.

The Privileged Motions are those that, by their nature, require immediate action and thus supersede the normal order (several of these are described in more detail in the following sections). For clarification purposes these rules are in order of priority from lowest to highest, (in case more than one is made at the same time):

- 1) Call the Question. Moves to end debate and bring motion to a vote.
- 2) Call for the Order of the Day. A request to return to the agenda when the body has come off topic.
- 3) Point of (Personal) Privilege/Order. Anytime a Commission member's needs, e.g., leaving to use the restroom or take a personal call when a formal motion to recess would not be appropriate, the Commissioner should call the attention of the Chair and raise point of privilege or

order. It can also be used to recognize that a quorum has been lost, or to call attention to a breach of rules or decorum by a Commissioner or other person in the meeting. In this case, it calls the Chair to address the matter in some way. (See further discussion in **Courtesy & Decorum**, below.)

- 4) Motion to Recess. Motions for executive recess are covered above. Any other motion to recess falls here and should address when the meeting will resume.
- 5) Motion to Adjourn. Moves to end the meeting immediately and not begin again until the next noticed meeting.
- 6) Motion to Fix a Time to Adjourn. Moves to fix a time certain for adjournment of the meeting. For instance, "I move that we adjourn at 8:00 p.m.". If passed the chair will automatically gavel the meeting into recess, without the need of an additional vote, at exactly 8:00 p.m.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed on the last motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a Commissioner might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a Commissioner makes yet a third motion as a "substitute motion that there not be an annual fundraiser this year." The proper procedure would be as follows:

First, the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would first be taken on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would therefore eliminate it (and be moot). The second motion (which sought to amend the first motion) would also be moot, and the action on the agenda item would be completed on the passage by the Commission of the third motion (the substitute motion). No vote would need to be taken on the first or second motions.

Second, if the substitute motion failed, the Chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend passed, the Chair would then move to consider the basic motion (the first motion) as amended. If the motion to amend failed, the Chair would then move to consider the basic motion (the first motion) in its original format, not amended.

Third, if the substitute motion failed and the motion to amend either passed or failed, the Chair would now deal with the basic motion (first motion) that was placed on the floor. The basic motion would either be in its original format (five-member committee), or if amended, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

12. To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the Commission. The debate can continue for as long as members of the Commission wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Commission to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the Commission without debate on the motion):

- a) Motion to adjourn. This motion, if passed, requires the Commission to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.
- b) Motion to recess. This motion, if passed, requires the Commission to immediately take a recess. Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.
- c) Motion to fix the time to adjourn. This motion, if passed, requires the Commission to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight" It requires a simple majority vote.

d) Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold”. The motion can contain a specific time in which the item can come back to the Commission. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the Commission will have to be taken at a future meeting. A motion to table an item (or to bring it back to the Commission) requires a simple majority vote.

e) Motion to limit debate. The most common form of this motion is to say, “I call the question”, but “I move the previous question” or “I move the question” is also appropriate.

As a practical matter, when a Commissioner calls out one of these phrases, the Chair can expedite matters by treating it as a “request” rather than as a formal motion. The Chair can simply inquire of the Commission, “any further discussion?” If no one wishes to have further discussion, then the Chair can go right to the pending motion that is on the floor.

However, if even one person wishes to discuss the pending motion further, then at that point, the Chair should treat the call of the question as a formal motion and proceed to it.

When a Commissioner makes such a motion (“I call the question”), the Commissioner is really saying: “I’ve had

enough of this debate. Let’s get on with the vote.” When such a motion is made, the Chair should ask for a second, stop the debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the Commission, because it cuts off the ability of the dissent to voice their objections.

However, only a simple majority, three of 5, is needed to limit the debate to a specific period of time, such as, “I move we limit debate on this agenda item to 15 minutes,” or “I move to call the question in 5 minutes.” Both motions limit debate, but do not prevent the dissent from speaking.

f) Motion to Object to Consideration. Should a Commissioner object to consideration of an agenda item entirely they may move, “I object to consideration of this item.” This motion requires a two thirds majority, or 4 of 5 Commissioners. It is not debatable, and if passed, precludes the Commission from even considering the item on the agenda. As it regards items placed on the agenda for consideration, it is a rare motion, and very rarely passes. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up.

13. Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So, in the City’s five-member Commission, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If one Commissioner is absent and the vote is 2-2, the motion still fails.

The minimum requirement is a simple majority, but there are times when a larger number is required for passage. This can be due to statutory requirements, such as consideration of a Charter Home Rule ordinance, or for procedural matters.

For procedural matters an exception to simple majority comes up when the Commission is taking an action which effectively cuts off the ability of the minority to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass: motion to limit debate; motion to close nominations; motion to object to consideration; and motion to suspend the rules. The motions to limit debate and object to consideration are discussed above and the others are covered below.

Motion to Close Nominations. When choosing officers of the Commission (such as the Chair), nominations are heard from the floor of the Commission. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable and allows the Commission to suspend the rules for a particular purpose. For example, the Commission has rules on public comment at meetings and on the use of an agenda and its order. A motion to suspend the rules would be used to allow a deviation from the general rule for a specific date or on a specific agenda item but not a permanent change to the rule. Note, however, that a basic motion to change the terms of or even eliminate public comment may only require a majority vote, whereas a motion to suspend

the rules on the issue for a single meeting requires a two thirds majority.

14. Counting Votes

The matter of counting votes appears simple but can become complicated.

Usually, it is easy to determine whether a specific motion passed or was defeated; if a simple majority vote is needed, then one vote more than 50 percent of the Commission is required. For example, in a five-member Commission, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion in the five-member Commission, then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

Things can start to get complicated quickly in the case of ties, absences (physically or by recusal), and abstentions. In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, if the vote is 2-2, with one Commissioner absent, the motion is defeated on the tie. Similarly, if a commissioner is absent a 2/3 vote would require yes votes from 3 of 4 Commissioners present to reach a 2/3 majority. However, some provisions of law may require 2/3 or even 3/4 of the whole Commission, even if some are absent. For this reason, the staff and Clerk will make sure that the requirements for passage are expressly stated if something more than a simple majority of those present is required.

Vote counting may also become complicated when members abstain, even if all Commissioners are present. An abstention does not affect the quorum or the number of "yes" votes necessary to pass the motion. For some purposes, such as a motion to reconsider (see below), an abstaining Commissioner is 'part of the majority' as they did not vote against a measure. For example, if a motion passes a 5-member Commission 3-0 with two abstentions, either of the abstaining Commissioners may make a motion to reconsider.

An important tenet of parliamentary procedure is finality. After vigorous discussion, debate, and a vote, there must be some closure to the issue. So, after a vote is taken, the matter is deemed closed. This is so that the decision of the Commission may be relied upon by the public and that there is some stability in government. Similarly, once a question has been heard and voted upon by the Commission, it should not come up for consideration again, until and unless there is a substantial and material change in circumstances. However, a settled matter may be subject to reopening by proper motion. This special motion—the motion to reconsider—requires a bit more explanation.

The Motion to Reconsider. A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later date is untimely. The Commission, however, can

vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time. Otherwise the matter must be done by repeal, and that requires the formality of a new agenda item on a subsequent meeting agenda.

Second, a motion to reconsider may be made only by a Commissioner who voted in the majority on the original motion (note that abstaining voters are member of the majority for this process). If such a Commissioner has a change of heart, he or she may make the motion to reconsider (and any Commissioner in the majority may second the motion). If a Commissioner who voted in the minority attempts to make the motion to reconsider, it must be ruled out of order. Again, the purpose of this rule is finality. If a dissenting member could make a motion to reconsider, then the item could be brought back to the Commission repeatedly, which would defeat the purpose of finality and frustrate the process with technical gamesmanship.

If the motion to reconsider passes, then the original matter is back before the Commission, as if the passage did not occur. The original matter is subject to a new original motion. The matter may be discussed and debated as if it were on the floor for the first time.

As stated earlier, in some instances, a repeal of a passed enactment may be necessary and/or preferable to a motion to reconsider.

15. Courtesy & Decorum

The Rules of Order are meant to create an atmosphere where the members of the Commission can attend to the City's business efficiently, fairly and with full participation, as

it is the business meeting of the Commission. At the same time, it is up to the Chair and the members of the Commission to maintain common courtesy and decorum and abide by the City's Code of Ethics. One of the most important things to keep in mind is that the conduct of the meetings MUST comply with the Kansas Open Meeting Act (KOMA). The main purpose of which is to give the public an opportunity to see and observe the process of their local government.

As the proceedings of the meeting are being recorded by the clerk in the minutes, it is always best for only one person to have the floor at a time, and it is always best for every speaker to first be recognized by the Chair before proceeding to speak.

The Chair is charged with ensuring that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the Commissioners, staff, or witnesses. Debate on policy is healthy, debate on personalities is not. The Chair has the right to cut off discussion that is too personal, too loud, too crude, or in violation of the City's Code of Ethics.

Debate and discussion should be focused, but also free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the Commission.

Can a Commissioner interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The Chair would then ask the interrupter to "state your point."

Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Chair moved on to a vote on a motion that permits debate without allowing the discussion or debate.

Appeal. The proper interruption would be, "I appeal from the ruling of the chair". If the Chair makes a ruling that a Commissioner disagrees with, that Commissioner may appeal the ruling of the Chair. If the motion is seconded, and (after debate), if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

Call for Orders of The Day. This is simply another way of saying, "return to the agenda." If a Commissioner believes that the Commission has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, they simply remind the Commission to return to the agenda item properly before them. If the Chair fails to do so, the Chair's determination may be appealed.

Withdraw a Motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn. Although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other Commissioner may make the motion, if properly recognized.

Special Notes About Public Input:

The Rules outlined above will help make meetings more efficient and transparent.

But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to *each* agenda item:

Rule One: Tell the public what the Commission will be doing.

Rule Two: Keep the public informed while the Commission is doing it.

Rule Three: When the Commission has acted, tell the public what the Commission did.

CODE OF PROCEDURES FOR THE COMMISSION OF THE CITY OF FORT SCOTT, KANSAS

In a motion made by COMMISSIONER OLSON,
seconded by COMMISSIONER WELLS this CODE OF
PROCEDURES FOR THE COMMISSION OF THE CITY OF FORT SCOTT,
KANSAS IS passed by a 5-0 vote verifying that it has been reviewed,
updated and agreed upon this 7TH DAY OF JANUARY, 2025.

Tracy Janes

Angie J. Mathen

W. John Head

Dollo D. Brown

Walter M. Wells

Kathryn D. Sibby



Lisa A. Lewis, City Clerk