

CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Resolution was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 20th day of February, 2024, and that said Resolution has been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, 21st day of February, 2024.



Brenda K. Wolf

Brenda K. Wolf, CMC, City Clerk

POLICY MANUAL
RESOLUTION NO. 022024-B
CITY OF MANHATTAN, KANSAS

SUBJECT	EFFECTIVE DATE
Governing Body Meeting Policies & Procedures	February 20, 2024

A. BACKGROUND

The governing body has adopted ordinances relating to its form of government and governing body meetings in Chapter 2 of the Code of Ordinances. Pursuant to Sec. 2-17 of the City Code, the governing body adopts this Policy to establish policies and procedures for its meetings, consistent with the City Code and state law.

B. PURPOSE

The purpose of this Policy is to ensure that the City Commission can effectively conduct and/or consider City business at its meetings. The City Commission herein establishes meeting procedures for orderly and efficient meetings. In addition, the City Commission herein establishes reasonable and content-neutral public comment regulations to preserve the governing body's legitimate interest in conducting efficient, orderly and effective meetings.

C. MEETING POLICIES AND PROCEDURES

1. **Meetings.**

- a. Governing body meetings will be held as set forth in Section 2-17 of the City Code, as amended.
- b. **Time limits.** A regular meeting shall be adjourned by 11:00 p.m. on the same day. A work session shall be adjourned by 9:00 p.m. on the same day. Provided that, the governing body may, by majority vote, extend the time allotted for a regular meeting or work session in 30-minute increments. A special meeting has no time limit.
- c. **Remote attendance.** A commissioner may attend a meeting remotely, as long as the commissioner's participation complies with the Kansas Open Meetings Act and this Policy.
 - i. A commissioner who intends to participate remotely must provide reasonable notice to the City Manager or designee to allow time for necessary preparation.
 - ii. The remote participant must be able to hear the meeting and to communicate with other members of the body and City staff. The remote participant shall act as a full participant, shall be considered present and in attendance, and may cast votes. Provided that, the remote participant cannot also serve as the presiding officer unless all commissioners are attending remotely.

- iii. If the remote participant is unavailable for three or more minutes, due to technical or other difficulties, the presiding officer may suspend the discussion until the remote participant has returned. If the delay lasts longer than three minutes, the presiding officer may excuse the remote participant and continue the meeting, subject to quorum requirements.
- iv. The commissioners recognize that in-person attendance and participation in governing body meetings are preferred, and agree that remote participation should be primarily limited to occasional circumstances rather than a participant's routine remote attendance for mere convenience.

2. **General rules for governing body meetings.**

- a. **Presiding Officer.** The Mayor shall serve as the presiding officer, ensuring that this Policy is followed and that order and decorum are maintained in accordance with this Policy and applicable law. In the absence of the Mayor, the Mayor *pro tem* shall serve as the presiding officer.
- b. **Point of Order.** Any commissioner may raise a point of order if the commissioner notices a violation of this Policy or applicable law. Upon a point of order being raised, debate shall immediately cease and the commissioner who raised the point of order must state their point or concern. The presiding officer determines the ruling on the point order, while stating the reasons or basis for such ruling. A commissioner may then appeal the ruling by making a motion to enforce the provisions of this Policy or applicable law and/or to restore order or decorum. If such motion is seconded, the majority will vote on the appropriate resolution to the point of order in accordance with this Policy or applicable law, or to restore order or decorum. At any time, the City Clerk, or designee, may be called upon to answer questions to provide information related to the question of order.
- c. **Decorum.** Commissioners agree to follow this Policy to uphold order and to act with decorum, respect and civility toward one another, City staff and members of the public.

3. **Governing body work session meetings.**

The City Manager shall determine the discussion items for a work session, to include City Manager updates and discussion of future agenda items, but no agenda for the work session is required. Following presentation of a work session item, the governing body may then ask questions and/or discuss the item. Because the purpose of a work session is to facilitate governing body discussion, no public comment is permitted unless a majority of the governing body votes to allow it on a particular item. Provided that, public comment is not permitted on the City Manager updates and discussion of future agenda items. The governing body may not take binding action during a work session.

4. **Governing body regular meetings.**

- a. **Meeting agenda.** The City Manager, or their designee, shall set the meeting agenda for regular governing body meetings, based upon input from the Mayor, a majority of the governing body and/or City staff. Members of the public may not place an

item on the agenda. The agenda may be comprised of the following items, in the order determined by the City Manager:

- Call to Order
- Roll call and announcement of a quorum
- Pledge of Allegiance
- Recognitions
- Mayoral Proclamations
- Open Public Comment
- Open Commissioner Comment
- Consent Agenda
- Public Hearing Agenda
- General Agenda
- Executive Session (if needed)
- Adjournment

b. **Consent agenda items.** The consent agenda is comprised of routine business items or items which have been previously considered by the City Commission. The consent agenda procedure is as follows:

- Commissioner removal of any item. After the consent agenda item is introduced, a commissioner may remove an item from the consent agenda for separate discussion and consideration. The item will be considered immediately after the consent agenda, unless a majority of the governing body votes to consider it at another specified time.
- Public comment. The presiding officer will ask for public comment on any item remaining on the consent agenda. Once public comment is closed, no more public comment is permitted on items on the consent agenda.
- Action. The consent agenda items may be considered and enacted by one motion, excluding any item removed by a commissioner.

c. **Public hearings required by law.** State and local laws require the governing body to hold public hearings on certain matters. The hearing procedure and public participation will be based upon the legal requirements for the required hearing. Provided that, if public participation is permitted, the members of the public shall follow Section D of this Policy.

d. **General agenda items.** The following is the general procedure for consideration of an item on the general agenda (other than a public hearing):

- Presentation. Presentation on the agenda item by City staff and/or other designated presenters.
- Questions regarding presentation. The commissioners limit initial comments to questions of the presenters regarding the presentation.
- Public comment. The commissioners will receive public comment on the item. Once public comment is closed, no more public comment is permitted on the item.
- Staff clarification/Commission discussion. Following the close of public comment, City staff may answer commissioner questions or

provide other clarification. The Commission may discuss concerns, options or other questions to formulate a motion.

- **Motion and discussion/debate.** Once a motion is made and seconded on the item, then the Commission discusses or debates the motion and item. A commissioner may ask a question of City staff.
- **Vote.** The City Clerk calls the roll on the vote on the motion, then announces the disposition of the vote.

5. **Motion procedure.**

- Motions; second.** A motion must be seconded by a non-movant commissioner before consideration. A motion that is not seconded dies and may not be considered by the governing body.
- Withdrawal.** Any commissioner can withdraw their motion or their second to a motion at any time prior to voting. If the original movant withdraws their motion, the entire motion dies. If the seconder withdraws, the motion may be seconded by another commissioner and continued.
- Motions to be debated.** All motions are debatable unless otherwise noted in the section governing that motion.
- Substantive motion.** Only one main substantive motion may be pending on the floor at any one time. It must be withdrawn or advanced to a vote before another substantive motion is introduced.
- Substitute motion.** Substitute motions are prohibited. The pending substantive motion must be withdrawn or advanced before another substantive motion is introduced.
- Motion to amend.** A motion to amend is permitted, prior to the vote, when the proposal is to change, add or delete words from the pending substantive motion. A motion can be amended if the commissioner who made the motion and the commissioner who seconded agree on the amended motion.
- Motion to refer.** By motion, the governing body may refer an action item back to City staff, committee, board or other appropriate location for further review and consideration. Such motion may or may not contain a time certain for the item to be returned to the governing body.
- Motion to table.** A motion to table the item shall state when the item will be returned to the governing body, either by containing a specific future meeting date, or by containing a specific condition precedent to its return.
- Motion to reconsider.** Motions to reconsider are prohibited. Provided that, any commissioner can make a new substantive motion on a matter previously considered by the governing body.
- Motion to call the previous question.** A motion to call the question is not debatable. If the call of the question is seconded, then a majority of the governing body must vote to call the question. If the motion passes, then no further debate or discussion shall occur on the pending substantive motion. An immediate vote shall occur on the pending substantive motion.
- Motion to adjourn.** A motion to adjourn is not debatable. At the conclusion of every governing body meeting, a motion to adjourn is in order and requires a majority vote. At its discretion, if the governing body is unable to complete its

agenda during the time allotted for the meeting, the meeting may be adjourned to a date and time certain to continue the meeting. In such case, the motion to continue shall state the time, place and date for the meeting to reconvene. If the motion is adopted, the meeting is adjourned to the specified time, place and date.

6. **Voting procedure.**

- a. **Voice roll call vote required.** Each vote on an item of business requiring formal action shall be taken by voice roll call vote.
- b. **Duty to vote.** Commissioners have a duty to vote unless a commissioner choosing to abstain has a conflict of interest or another legal or ethical reason to abstain.
- c. **Votes; ordinances.** An ordinary ordinance must be passed by an affirmative vote of at least three commissioners-elect of the governing body. A charter ordinance must be passed by an affirmative vote of at least four commissioners-elect of the governing body. Even if there is a vacancy or an absence, the same number of votes is required to adopt an ordinary or charter ordinance. An abstention or refusal to vote shall not be counted as affirmative action, when considering the adoption of any ordinance.
- d. **Votes; non-ordinance matters.** Unless otherwise specifically required by law, the adoption or rejection of non-ordinance matters, such as resolutions and other motions, shall be by a majority of those present. Any abstention shall be counted with the prevailing side.
- e. **Announcement and recording.** The city clerk, or their designee, shall immediately announce the disposition of any vote and record it in the meeting minutes.

D. PUBLIC ATTENDANCE AND PARTICIPATION

1. **Photography and recording.** Any person may photograph or record an open governing body meeting, as long as such activity is not disrupting the meeting, creating a safety hazard, or impacting other attendees' access to the meeting.
2. **Speaker's List.** A speaker may sign up in advance with the City Clerk to speak at an open meeting of the governing body at which public participation will be allowed. The City Clerk may determine the methods of sign-up, but the speaker must sign up with their name, residential address, and if applicable, organization they represent. At the meeting, the City Clerk will first call the speakers on the Speaker's List to speak in the order in which they signed up. No substitutions are permitted. After the Speaker's List has been completed, other members of the public may speak to the item, after being recognized by the Mayor and signing up at the podium.
3. **Rules of decorum applicable to all public attendance and participation.** The following rules of decorum shall apply to any member of the public attending or speaking at an open meeting of the governing body. Provided that, these rules of decorum may be modified by City staff to meet the requirements of any public hearing required by law.
 - a. At the podium, a speaker must state their name, residential address, and, if applicable, organization they represent into the microphone.
 - b. Only one speaker may be present at the podium at a time.

- c. A member of the public shall only be permitted to speak on the item one time per meeting.
 - d. A speaker shall not speak for more than five minutes. A speaker may not combine their time with another speaker's time. Provided that, before public comment begins, the Mayor, or the majority of the Commission, may reduce the time of each speaker in an equitable manner to less than five minutes and/or set a total time limit for all public comment of no less than 30 minutes. Alternatively, once public comment is underway, the Mayor, or the majority of the Commission, may announce that the public comment period on the item will terminate no less than 30 minutes from the announcement.
 - e. A speaker may use the City's overhead projector during their presentation. If the speaker wishes to present a PowerPoint or similar presentation that requires the use of the City computer, the electronic file(s) must be provided to the City Clerk at least two business days before the meeting, in the format requested by the City Clerk. The City computer is not otherwise available for a speaker's use during their comment period.
 - f. A speaker's comments must relate to the item of business. For open public comment, a speaker may address matters related to City business that are not on the meeting's public hearing, consent or general agendas.
 - g. Once public comment on an item has closed, no further public comment will be permitted as the item progresses.
 - h. A member of the public may not speak remotely on an item, except if provided as a reasonable accommodation pursuant to Section E.
 - i. Members of the public should not engage in debate with other members of the public from the podium and/or within the audience.
 - j. Members of the public are expected to engage in a civil and respectful manner at all times. The following conduct, topics and types of comments are not permitted: matters unrelated to City business; political campaigning; commercial advertisements; threats; personal attacks or insults unrelated to an official's conduct or qualifications; obscenity or profanity; any content inciting violence or promoting illegal activity; and the disclosure of identifying, locating, or otherwise sharing private information of elected officials, City employees, or members of the public.
4. **Response to public comment.** The purpose of public comment at a governing body meeting is for the City Commission to hear and receive the speaker's input. Generally, neither a commissioner nor City staff will respond to questions or issues raised by a speaker. The commissioners will not interact with speakers unless asking clarifying questions at the end of the speaker's comments. If a commissioner asks a question, the speaker will be allotted two minutes to answer each question.
5. **Enforcement.** The Mayor may first provide a warning to any member of the public who is not in compliance with this Subsection (D). Any continued non-compliance may result in the person's revocation of their speaking privileges at the meeting or discharge from the meeting.

6. **KOMA compliance.** The meetings of the governing body, except executive sessions, shall be open to the public, as required by the Kansas Open Meetings Act (“KOMA”). KOMA does not give a member of the public a right to speak at a public meeting of the governing body, except at public hearings as required by law. While the governing body values public input at its meetings in accordance with this Subsection D, this policy is not intended to create a right for a member of the public to comment at an open meeting, except as provided by law for public hearings. The inadvertent oversight to allow public comment pursuant to this Subsection (D), or the decision of the Mayor or majority to eliminate or modify public comment, shall not be considered a violation of this Policy.

E. REASONABLE ACCOMMODATIONS

If an individual with a disability (as defined by federal law) would like to request a reasonable accommodation (as required by federal law) from the application of any provision(s) of this Policy to attend or participate in the governing body’s open meeting, the individual should contact the City Clerk at least two (2) business days prior to the meeting.

F. APPLICATION OF POLICY; COMPLIANCE WITH OTHER LAWS

It is the general policy of the City Commission to follow the procedures and policies set forth herein. However, the procedures and policies contained herein may be temporarily altered or suspended, with the approval of a majority of the City Commission, if such temporary alteration or suspension is necessary and is in compliance with other applicable laws. Further, nothing in this Policy shall be construed to authorize non-compliance with applicable laws; this policy is intended to supplement the requirements of other applicable laws.

G. POLICY OF THE GOVERNING BODY

This Resolution reflects the policy of the governing body and repeals Resolution No. 062122-B and any other resolutions in conflict herewith.

H. EFFECTIVE DATE

This Resolution shall become effective on February 20, 2024.

PASSED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS
THIS 20TH DAY OF FEBRUARY, 2024.



Wynn Butler, Mayor

ATTEST:



Brenda K. Wolf, CMC, City Clerk

