

MEMORANDUM

TO: Board of Trustees

THROUGH:

FROM: Chairman Matthew Dent

SUBJECT: Review, Discuss, and Provide Direction to Staff Regarding the Board Rules **and** Potentially Update the Related Board Policy (Requesting Trustee: Chairman Matthew Dent)

**RELATED STRATEGIC
PLAN INITIATIVE(S):**

**RELATED DISTRICT
POLICIES, PRACTICES,
RESOLUTIONS OR
ORDINANCES**

DATE: February 8, 2023

I. RECOMMENDATION

That the Board of Trustees review, discuss, and provide feedback about the Board of Trustees Rules and Norms

II. BACKGROUND

This item was requested by Chairman Matthew Dent, in hopes of creating a cohesive Board while setting expectations and guidelines we will follow. Previous IVGID Boards could have done a better job when it comes to communicating with each other and the new Board has an opportunity to lead on this issue and set a new tone. General Counsel has provided an example of a City Council's Rules. We may have some overlap as it relates to Policy 3.1.0 and the Code of Conduct so both of those items have been included as supplemental material.

Some suggested discussion points might be the following: Trustee communication, Timed Presentations, Timed Board member question and comment period, public comment for each item, etc.

We can decide if we want to modify the existing Policy and/or Code of Conduct or create a new document of Board Rules.

III. BID RESULTS

IV. FINANCIAL IMPACT AND BUDGET

V. ALTERNATIVES

VI. COMMENTS

VII. DISTRICT IMPROVEMENT, COST REDUCTION, RETURN ON INVESTMENT OR PRODUCTIVITY ENHANCEMENT

VIII. BUSINESS IMPACT

IX. ATTACHMENTS

1. 3.1.0 Conduct of Board of Trustees Meeting - eff 01112023
2. Code of Conduct adopted 09282022
3. City Council Meeting Rules of Order (city of alameda)-c1

X. DECISION POINTS NEEDED FROM THE BOARD OF TRUSTEES



Conduct Meetings of the Board of Trustees

Policy 3.1.0

POLICY. The Board of Trustees will establish the time and place of the regular meeting of the Board of Trustees of the Incline Village General Improvement District and provide the manner in which special meetings of said District may be called, designating the meeting location, establishing the agenda and rules for its proceedings for the Incline Village General Improvement District, Washoe County, State of Nevada

Notice and conduct of all meetings shall conform with the provisions in Nevada Revised Statutes (NRS) 241.020 and NRS 281A (Ethics In Government). Meeting minutes and transcripts of meeting will be in compliance with NRS 241.035.

- 0.1 Regular Meetings.** The regular meeting times and location shall be set by the Board of Trustees.
- 0.2 Special Meetings.** Special meetings of the Board of Trustees shall be held upon call of the Chair of the Board or at least two of the Trustees.
- 0.3 Meeting Place.** All Board of Trustees meetings shall be held within the District.
- 0.4 Item(s) of Business/Agenda Preparation.** The Board Chair, in cooperation with the General Manager, is responsible for preparing the agenda and supporting materials for each meeting. The Chair, in cooperation with the General Manager, will place on the Agenda any item requested by a fellow Trustee.

If a person or party, including the general public, wishes to have a matter considered by the Board, a written request should be submitted to the General Manager, in advance of the meeting, allowing enough time for staff research. The amount of advance time required will be determined by the General Manager, based upon Board Policy, administrative procedure, and the facts in each instance.

No matter shall be heard or acted upon without all accurate and relevant materials being published with the initial publication of the Board Packet. If materials are inaccurate or missing, the agenda item



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will be deferred. Delayed and/or supplemental materials shall defer an agenda item.

The agenda and Board Packet materials shall be posted on the District's website one (1) calendar week prior to the meeting.

Public comment may be scheduled for individual agenda items in addition to the initial and closing public comment period at the discretion of the Chair. Unless otherwise determined, the time limit shall be three (3) minutes for each person wishing to make a public comment. Unless otherwise permitted by the Chair, no person shall be allowed to speak more than once on any single agenda item.

The item(s) of business at the regular meetings of said Board may include, but are not limited to:

- Pledge of Allegiance
- Roll call of Trustees
- Appearances/Presentations (Non-action)
- Initial Public Comment – not to include comments on General Business items with scheduled public comment
- Appearances/Presentations/Declarations/Proclamations (Action)
- Approval of Agenda
- Public Hearings (if any) – all changes to Ordinances require a Public Hearing with a minimum of a 30-day notice
- District Staff Update (if any)
 - The General Manager's monthly report
 - Once a month the General Manager is to provide a formal written report outlining the contracts/expenditures s/he approved with proper signing authority per District policy.
- Review of the long range calendar
- Legal Counsel Update (if any)
- Reports to the Board – Reports are intended to inform the Board and/or the public
 - Department liaisons' updates (if appropriate)
 - Audit Committee (if appropriate)
 - Treasurers Report (if any)



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- Payment of Bills – For District payments exceeding \$50,000 or any item of capital expenditure, in the aggregate in any one transaction, a summary of payments made shall be presented to the Board at a public meeting for review. The Board hereby authorizes payment of any and all obligations aggregating less than \$50,000 provided they are budgeted and the expenditure is approved according to District signing authority policy.
- Any other reports as deemed of value by the Treasurer. This may include a review of procurement card purchases, weekly bill pay review, etc.
- Consent Calendar (if any)
 - In cooperation with the Chair, the General Manager may schedule matters for consideration on a Consent Calendar. The Consent Calendar may not include any action which is subject to a public hearing. Consent Calendar items are:
 - Contracts for review prior to signing/execution;
 - Budgeted items with a financial impact of less than \$100,000;
 - Items that have been previously discussed by the Board of Trustees;
 - “Housekeeping” items that passage without discussion is likely;
 - Meeting minutes approval.
 - Each consent item shall be separately listed on the agenda, under the heading of "Consent Calendar". A memorandum containing all relevant information will be included in the packet materials for each Consent Calendar item. The memorandum should include the justification as a consent item in the Background Section.
 - Any member of the Board may request the removal of a particular item from the Consent Calendar, at the time of the agenda approval, and that the matter shall be removed and addressed in the General Business section of the meeting.
 - A unanimous affirmative vote shall be recorded as a favorable motion and approval of each individual item included on the Consent Calendar.



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- General Business
- Reports
 - Reports are intended to inform the Board and/or the public.
- Final Public Comment
- Board of Trustees Updates
- Adjournment

0.5 Rules of Proceedings.

- a. Public Meetings. All meetings of the Board shall be in accordance with NRS 241, the Nevada Open Meeting Law.
- b. Quorum. A majority of the Board of Trustees present in person or by virtual technology shall constitute a quorum for the transaction of business. When using virtual technology, so long as there is adequate internet service, the Trustee must be on-camera to qualify for voting. In no event shall any matter be approved without the affirmative vote of three Trustees.
- c. Method of Action. The Board of Trustees shall act only by motion which, to become effective, shall be adopted by the affirmative vote of at least a majority of its members, which is three (3), unless otherwise provided by statutes, including but not limited to NRS 318.280 and NRS 318.350. In the event of only three members present, the method of action must be unanimous.

The District and its Board will operate according to NRS 281A, Ethics In Government. Should a conflict of interest be a concern, the Trustee will abide by NRS 281A and potentially abstain from voting. According to NRS 241.0355, an abstention is not a vote in favor.

- d. Recording Vote. All Trustees present and voting, shall have their yes/ayes and no/nays taken on all actions taken and entered into the minutes. All Trustees shall have the equal right to vote, make and second motions. If the vote for/against any



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item is not unanimous, the Chair may ask the Clerk to conduct a roll call vote.

- e. Ordinances. The enacting clause of all ordinances passed by the Board shall include the word "ordinance" and be consecutively numbered. All actions to pass or revise an ordinance shall be attested by the Secretary.
- f. Contracts. Until this policy is modified, all contracts are to be provided to the Board for review prior to signing/execution. The Board shall designate one Trustee to review, approve the signing of any contracts, and inform the Board of said action, when time is of the essence. In addition, contracts proposed and/or estimated to exceed the signing authority in Policy 20.1.0 subparagraph 1.5 or Policy 21.1.0 subparagraph 1.6, must be approved by the Board of Trustees. The General Manager has the authority to execute contracts per Board Policy so long as the funds were budgeted for the specific purpose. All documents approved or awarded by the Board shall be signed in the name of the District by two (2) officers of the Board of Trustees, unless authorization to sign is given to another person(s) by the Board.
- g. Claims. The Board of Trustees may engage the General Manager and General Counsel to negotiate on behalf of IVGID, the settlement of all property damage, personal injury, or liability claims. Final settlement of such claims must be approved by the Board. The General Manager may accept a tentative settlement, which shall not be final and binding upon IVGID, unless and until approved by the Board of Trustees.
- h. Litigation. The General Manager must obtain Board of Trustees authorization, at a public meeting, to initiate any lawsuit, appeal any decision or judgement, or retain legal counsel to defend a lawsuit. In addition, the role of the General Manager is to carry out the business of the Board. Any discussion, conversation, or communication between the GM and outside legal counsel require the Board to be immediately informed.



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Policy 3.1.0

- i. Texting. At no time during a meeting are Trustees to be making use of digital technology to communicate with others. The meetings are to conduct business by the Trustees.
- 0.6 Robert's Rules.** Unless contrary to this rule, such meetings shall be substantially conducted in conformity with Robert's Rules of Order unless those provisions conflict with Chapter 241 of the NRS, in which case, the statutes will prevail.
- 0.7 Reconsideration.** Reversal, or substantial modification, of any item by the Board of Trustees within six months of the meeting date at which the action was taken, shall only be considered as follows:
- The General Manager may request reconsideration of any action of the Board, and place reconsideration of the action before the Board, if the General Manager determines that the action compromises the efficiency of operations or otherwise impairs the effective management of the District.
 - A Board action may also be scheduled for reconsideration if at least two (2) Trustees make written requests.
 - Written requests for reconsideration by any other person or party, including members of the general public, will be distributed to the Trustees but shall not be placed on the Board agenda, without the concurrence of at least two Trustees, as provided above.

If the original action was taken after a Public Hearing, a second Public Hearing shall be held in conjunction with any reconsideration.

Once placed on the agenda under the procedure established herein, the Board may rescind, modify, reaffirm, or take no action on the item; in the same manner it would take action on any other General Business agenda item.

- 0.8 Officers of the Board.** As the first item of General Business at the first meeting of the calendar year, the Board of Trustees shall elect a Chair, Vice Chair, Treasurer, and Secretary. It is recommended that the officers of the Board rotate on a reasonable basis. Roles should



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change at least every two (2) years. Each Officers term will begin as defined by the agenda item and will continue until the next election.

According to NRS 318.085(1), the role of Treasurer and the Secretary may be fulfilled by someone other than a Trustee.

Should a vacancy occur, the Board of Trustees shall follow NRS 318.090(5) to fill the vacancy. The most current roster for the current Board of Trustees is located on the District's website.

0.9 Advisory Committees. The Board of Trustees may from time to time establish citizen committees to advise it on policy matters of the District. All such committees shall serve at the pleasure of the Board, and the Board shall have the authority to remove any member or all members from any and all committees at any time, or to change any of the terms of office thereof. Unless otherwise provided for in the document creating such committee and as permitted by applicable law. Committees shall be advisory in nature only, and shall have no authority to set policy; expend or obligate funds; hire, fire, supervise, or direct staff; or speak on behalf of the District, the Board, or its officers or employees. All committees shall conduct their business according to Roberts Rules of Order and shall conform to all provisions of the Nevada Open Meeting Law. If any Trustee is appointed to serve on a committee, the Trustee shall be the chair of that committee, unless other methods for selecting the chair have been approved by the Board of Trustees. If more than one Trustee is appointed to serve on the committee, then the Board shall determine by motion which Trustee shall serve as chair.

The General Manager may establish citizen advisory committees or bodies to advise the General Manager on areas of interest. These Citizen Advisory Committees are distinctively different from Board advisory committees as they are created by the General Manager to provide input. As such, they are not subject to the Nevada Open Meeting Law, but a reasonable attempt is to be made to notify members of the public of their meetings. Only one (1) Board member may serve on each Advisory Committee established by the General Manager. One (1) Board member shall serve on the General



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Manager's citizen advisory committee and can serve on multiple Advisory Committees established by the General Manager.

- 0.10 Legislative Matters.** The General Manager may from time to time propose positions on legislative issues, which positions shall be reviewed and approved by the Board at its regular meeting.
- 0.11 Conflict Resolution.** In the event that the provisions of Policy 3.1.0 conflict with any other Policy Provisions, this policy shall prevail.
- 0.12 Board Meeting Synopsis.** Board meeting synopsis shall be posted on the District's website in addition to being emailed to subscribers. The synopsis is to include a list of issues brought the attention of the Board by the public, brief overviews of each agenda item and when applicable, the results of a vote.

**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT
CODE OF CONDUCT FOR ELECTED AND APPOINTED MEMBERS**

I. PURPOSE AND APPLICABILITY

The Board of Trustees has adopted a Code of Conduct for Elected and Appointed Members (“Code”) to assure public confidence in the integrity of local government and its effective and fair operation, and to foster a professional and courteous working relationship between the Trustees, and between the Trustees and members of committees of the District and staff. This Code applies to the members of the Board of Trustees (“Trustees”) and to the members of any committee of the District formed by the Board and subject to the Open Meeting Law, including the Audit Committee (“Members”). The Code of Conduct does not apply to members of any General Manager advisory group not subject to the Open Meeting Law.

II. CONDUCT

The constant and consistent theme through all of the Code is “respect.” Demonstrating respect for each individual through words and actions is the touchstone that can help guide Trustees and Members to do the right thing in even the most difficult situations.

A. Elected and Appointed Members’ Conduct with One Another

Elected and appointed members are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may “agree to disagree” on contentious issues.

1. In Public Meetings

Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Trustees or Members shall not make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No personal attacks of any kind should be made by a Trustee or Member upon another Trustee, staff, Member, or a member of the public. Trustees and Members should be aware of their body language and facial expression and shall avoid “eye rolling,” “smirks,” or similar actions which demonstrate a lack of respect for the speaker. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep the comments of Trustees or Members on track during public meetings. Trustees and Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair’s actions, those objections should be

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voiced politely and with reason, following procedures outlined in parliamentary procedure and applicable policy.

Demonstrate effective problem-solving approaches

Trustees and Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. This does not imply that Trustees or Members cannot dissent if a compromise is not possible.

2. In Private Encounters

Continue respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

B. Trustees' and Members' Conduct with District Staff

District governance relies on the cooperative efforts of Trustees who set policy, Members who advise the Trustees, and District staff who implement and administer the Trustees' policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. This does not mean that dissent or disagreement is not permitted but that it should be conducted and expressed consistent with this policy.

Treat all staff respectfully, fairly and professionally

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Demeaning, distrustful, or other unprofessional behavior towards staff is not acceptable.

Member questions/inquiries to District staff

1. General. Trustee and Member communications with District staff may occur at any time. As different venues have different operating hours, there is no expectation/obligation/ requirement that Staff respond if it is outside their normal working hours. Staff will respond to questions or requests for information no later than the end of their next business day.
2. Routine Requests for Information and Inquiries. Trustees and Members may contact staff directly for information made readily available to the general public on a regular basis. For example, "What are the recreation center's hours of operation?", "How does

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one reserve a tee time at the golf course?”, or “What is the District policy on ____?”. Staff shall respond to Trustees and Members as they would members of the general public. Trustee or Member shall not use their status to secure preferential treatment, nor shall they give staff direction or instruction related to their performance of duties.. The General Manager does not need to be advised of such contacts.

3. Non-Routine Requests for Readily Available Information. Trustees and members may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., “How many utility customers are there in IVGID?”, “How much has the District spent on ____?”, “Please provide me with a copy of the following document(s)_____”, or “How did you calculate a number on a financial or accounting document?”)
4. Non-Routine Requests Requiring Special Effort. Any Trustee's or Member's request or inquiry requiring staff to compile information that is not readily available and/or requests staff to express an opinion (legal or otherwise) must be directed to the General Manager, or Legal Counsel, as appropriate. For example, "How many Study Issues completed over the past five years have required 500 or more hours of staff time?" or "Please explain a proposed public works project, bid or matter related to a public works project." The General Manager shall be responsible for assigning such requests to their staff for response; further, the General Manager shall provide the anticipated time in which the request/inquiry will be provided by staff. The designated staff member shall be responsible for responding promptly, but the General Manager and Trustee or Member shall work together to set a mutually convenient schedule for the response.
5. Meeting Requests. Any Trustee’s or Member’s request for a meeting with staff must be directed to the General Manager or Legal Counsel, as appropriate, except to request a project or information under items 2 or 3 above or as otherwise provided by law or District policy.

Do not disrupt District staff from their jobs

Trustees or Members should not disrupt District staff while they are in meetings, on the phone, or engaged in performing their job functions to meet their individual needs. Trustees or Members will not attend staff meetings unless requested by staff; even if the Trustee or Member does not say anything, their presence may imply support, show partiality, or hamper staff’s ability to do their job objectively.

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Avoid publicly criticizing an individual employee

Trustees or Members should avoid expressing concerns about the performance of a District employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should be directed to the General Manager through private correspondence or conversation. Trustees or Members may also provide staff performance feedback to the Board of Trustees Chair. For the Board of Trustees, this direction does not apply to the General Manager or Legal Counsel, as they report directly to the Board of Trustees.

C. Elected and Members' Conduct with the Public

1. In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Trustees or Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public comment and testimony.

Engage in active listening

It is disconcerting to speakers, including public commentators, to have Trustees and Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. No personal attacks of any kind, under any circumstance, are permitted. Trustees and Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

2. In Unofficial Settings

Make no promises on behalf of the Board, Committee, or District

Trustees and Members may be asked to explain a Board or committee action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of District policy and to refer to staff for further information. It is inappropriate to actually or implicitly promise Board, Committee or District action, or to promise staff will do something specific.

Make no personal comments about other Trustees or Members

It is unacceptable to blame other Trustees or persons for a vote by a Trustee and a Trustee should always take responsibility for their own votes. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory

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comments about other Trustees or Members, their opinions and actions. It is unacceptable to make any false or inaccurate statements about another Trustee or Member.

Accurately Present Past Decisions

As the Board and committee acts as a single body, Trustees and Members should not misrepresent or undermine prior decisions outside of a meeting. Trustees or Members may utilize reconsideration or other procedural vehicle to have the Board of Trustees or committee re-evaluate a prior decision. This paragraph does not prevent a Trustee or Member explaining their vote and rationale for any vote.

D. Conduct Generally

1. Attendance at Meetings

Trustees and Members must be visibly present at all meetings unless they are unable to do so. If a Trustee or Member cannot attend a meeting, they should notify the Chair as soon as possible.

2. Trainings

Trustees and Members should attend all Open Meeting Law, Ethics in Government Law, and other trainings provided by the District. The Board of Trustees may prescribe the required trainings.

3. Compliance with Law

Trustees and Members shall comply with all applicable laws and policies, including the Open Meeting Law, Ethics in Government Law, and NRS 318.

III. SANCTIONS

Trustees' Behavior and Conduct

Trustees who do not follow proper conduct may be reprimanded or formally censured by the Board.

Members' Behavior and Conduct

The Board of Trustees may impose sanctions on Members whose conduct does not comply with applicable law or the District's policies and practices, up to and including removal from office. Any form of discipline imposed by Board of Trustees shall be determined by a majority vote of at least a quorum of the Board

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at a noticed public meeting conducted pursuant to the Open Meeting Law, including NRS 241.030-033.

Non-Exclusive

The above sanctions are non-exclusive and Trustees and Members may be subject to other remedies as provided by District policy or practice or applicable law.

City Council Meeting Rules of Order

CITY COUNCIL MEETING RULES OF ORDER

(PURSUANT TO CITY OF ALAMEDA RESOLUTION NO. 15382, 15697, 15746, 15772 and 15875)

The City Council adopts Rosenberg's Rules of Order^(PDF, 382KB) to govern the proceedings of City Council meetings, with the following exceptions and additions:

1. Suspension of the Rules. A supermajority of the City Council (4 members) may suspend the rules for a specific purpose. When rules are suspended, the vote to do so should state the purpose for suspending the rules.
2. Special Orders of the Day. Ceremonial presentations, announcements and proclamations under Special Orders of the Day shall be limited to no more than fifteen (15) minutes as required by the Sunshine Ordinance. Staff and/or the Mayor will work to prepare recipients prior to the meeting.
3. Public Comment on Non-Agenda Matters. Anyone wishing to speak on matters not on the agenda may do so under "Oral Communication, Non-Agenda." Speakers shall limit comments to two (2) minutes or less. As required by the Sunshine Ordinance, the meeting agenda shall provide up to fifteen (15) minutes for this use at the beginning of the meeting. Any speakers not called will be called under the later scheduled non-agenda public comment. Speakers may comment only once on the same topic even where multiple meetings are held on the same day. No speaker may cede time to another.
4. Consent Calendar Items. Agenda items listed under the Consent Calendar are considered routine and will be enacted, approved, or adopted by one motion without discussion. Members of the public can comment once on the entire Consent Calendar. Public comments shall be limited to two (2) minutes or less. Any Councilmember may request removal of a specific item for discussion or explanation. Councilmembers can record a vote other than aye without removing/"pulling" an item from the Consent Calendar. The removed/"pulled" item will be voted on separately. Each Councilmember may ask questions and deliberate for up to five (5) minutes on each item removed/"pulled" from the Consent Calendar.

5. Public Comment on Regular Agenda Items and Council Referrals. Public comment will be allowed on all agenda items at the time each item is called. All speakers, regardless of elected or appointed status, shall limit comments to three (3) minutes or less. Comments shall be limited to two (2) minutes for items with seven (7) or more speakers. No speaker may cede time to another. Public comment is not permitted on motions. Presentations and Council questions precede public comment. Public comment shall not be used to elicit a debate and speakers shall avoid personal attacks of members of the Council, staff or public.

6. Presentations. All presentations, except Council Referrals, are limited to 10 minutes and will be timed. Council Referral presentations are limited to five (5) minutes and shall be timed. Councilmembers should refrain from asking questions during presentations. The Mayor's State of the City Address shall not be timed.

7. Council Questions and Comments. Each Councilmember may ask questions and deliberate for up to nine (9) minutes per regular agenda item and up to three (3) minutes per Council Referral. Procedural discussions are not timed. Special meetings and workshops addressing one topic, taking place on a day no other Council meeting is taking place where regular City business is being considered, also will not be timed.

8. Council Communications. Councilmembers can speak under Council Communications for up to nine (9) minutes.

9. Counting Votes. The vote count on a motion will be determined by the majority of the membership unless a greater threshold is required by law. A supermajority is two-thirds of the City Council (4 members).

10. Latest Time a New Agenda Item May Be Called. No new regular agenda items or Council Referrals will be heard after 11:00 p.m