

STANDING RULES OF PROCEDURE OF THE CITY OF AMSTERDAM COMMON COUNCIL

ARTICLE I – MEETINGS

SECTION I. Organizational Meeting

Rule 1. The organizational meeting of the Common Council shall be called for _____ and take place in the Common Council Chamber at City Hall Amsterdam, New York.

Rule 2. At the organizational meeting or an adjourned session thereof, the Common Council shall review and adopt the Rules of Procedure for the ensuing year, appoint committee chairs and address any other matters the Common Council wishes to bring forth.

SECTION II. Regular and Special Meetings

Rule 3. The Common Council shall, in addition to meeting to organize, hold regular meetings in the Common Council Chamber on the first and third Tuesday of each month at 7:30 PM. When such day falls on a legal holiday, the meeting shall be fixed by resolution duly adopted at a previous meeting.

Rule 4. All meetings of the Common Council shall be accordance with the Charter of the City of Amsterdam, New York.

ARTICLE II – RULES OF PROCEDURE

Rule 5. All acts of the Common Council shall be accordance with the Charter of the City of Amsterdam, New York.

Rule 6. A quorum of the Common Council shall consist of not less than three Alderman, but a lesser number may adjourn. No part of this rule shall be construed to waive the requirements of these Rules of Procedure relating to the number of votes for passage of any resolution or other action of the Common Council.

Rule 7. Passage of any motion to suspend a rule shall require a four-fifths majority of votes at a regular or special meeting of the Common Council, except those rules prescribed by a state law or city Charter.

Rule 8. Any Alderman desiring to speak or present any subject or matter to the Common Council shall seek the recognition of the Mayor and shall not proceed until recognized by the Mayor and awarded the floor for such purpose.

Rule 9. Persons not members of the Common Council may, with the consent of the Mayor be permitted to speak regarding matters pending before the Common Council.

Rule 10. While a motion is under debate, no council member shall speak more than three separate occasions, for a total of five minutes, on any question without leave of the Mayor.

Rule 11. The order of business of each Regular Meeting shall be:

1. Call to order by the Mayor, or, in the absence of the Mayor the Deputy Mayor
2. Salute to the Flag
3. Roll Call of Members
4. Moment of Silence
5. Adoption of Agenda
6. Proclamations
7. Privilege of the Floor Limited to Agenda Items Only (includes special presentations)
8. Communications
9. Approval of Minutes of Previous Meetings
10. Approval of Budgetary Transfers
11. Unfinished Business

12. New Business
- 13 Privilege of the Floor Non-Agenda Items
14. Adjournment

Rule 12. Reading of the minutes of the previous sessions shall be dispensed with unless required by a majority of Common Council members.

Rule 13. After a resolution or motion is stated by the Mayor, it shall be in the possession of the Common Council, but may be withdrawn at any time with the consent of the Common Council before a decision is made or any amendment adopted.

Rule 14. When a question is under consideration, no motion shall be received, except as herein specified, which motions shall have precedence in the following order:

1. Adjourn (un-debatable)
2. Take a recess (un-debatable)
3. Lay on the table (un-debatable)
4. For the previous question (un-debatable)
5. Limit debate (un-debatable)
6. Refer (debatable)
7. Amend (debatable)
8. Postpone consideration (debatable)

Rule 15. No motion for the reconsideration of the vote upon any question shall be entertained unless moved by an Alderman who voted in the majority upon such question before the adjournment of the following regularly called Common Council meeting. When a motion for reconsideration of any question has been made and decided, there shall be no further consideration of the same resolution.

Rule 16. A roll call vote shall taken and recorded in the minutes on all matters requiring a vote by the Clerk of the Common Council.

Rule 17. Voting Majority

- A) A majority of three-fifths votes shall be necessary for the adoption of any resolution or local law or local ordinance before the Common Council unless specified by State law.
- B) A majority of four-fifths votes shall be necessary for the adoption of any resolution of local law or local ordinance establishing a four-fifths vote approval requirement when such requirement is not specified State law.
- C) No Alderman may give a proxy or in any other fashion delegate his/her authority to vote upon any matter pending before the Common Council.
- D) The rescission, revocation or reversal of any action, resolution, local law, local ordinance, motion or other matter voted upon by the Common Council shall be effected by the same ratio of votes of the Common Council as was required for its adoption, approval or passage.
- E) In the course of responding to a roll call vote, an Alderman may give an explanation of his/her vote.

ARTICLE III – CONDUCTING OF MEETINGS

Rule 18. The Mayor shall be the presiding officer, shall call the Common Council to order, and, except in the absence of a quorum, shall proceed to conduct business in the manner prescribed by these rules.

Rule 19. The duties of the Deputy Mayor shall include all duties and functions of the Mayor in his/her absence, excluding the appointment of the members of standing committees.

Rule 20. In the absence of the Mayor at any meeting of the Common Council the Deputy Mayor shall call the meeting to order. In the absence of the Mayor and the Deputy Mayor the Clerk of the Common Council shall after fifteen (15) minutes call the meeting to order. Those Common Council members present and voting shall select a Common Council member to preside at such meeting who shall have all the powers and duties over which he/she is called to preside.

Rule 21. In the case of a vacancy for Deputy Mayor, the Common Council shall select a successor from those members of the Common Council at the next regular meeting of the Common Council. The person so selected shall serve as Deputy Mayor for the unexpired term of the previous Deputy Mayor.

Rule 22. The Mayor shall preserve order and decorum and decide all questions of order, which decisions shall be final unless an appeal is taken by the Common Council. On an appeal from the decision of the Mayor, the Mayor shall have the right to assign the Mayor's reason for said decision.

Rule 23. The Mayor shall decide all questions relating to priority of business (the priority of one question or subject matter over another under the same order of business) without debate.

Rule 24. In those instances where there is a disagreement concerning the interpretation of the Rules of Procedure, the City Attorney shall act as Parliamentarian to advise the Mayor who shall rule on all questions of order of procedure.

ARTICLE IV – RESOLUTIONS

Rule 25. All proposed resolutions, local laws and ordinances shall have a prime sponsor and at least one second and shall be reduced to writing. Proposed resolutions, local laws and ordinances not originating from the committee having jurisdiction over the particular matter shall be filed with the Clerk of the Common Council in accordance with Rule 28.

Rule 26. Upon the request of any Alderman, any amendment to a resolution shall be reduced to writing.

Rule 27. The Clerk of the Common Council shall read the title of all resolutions, local laws and ordinances filed and mailed in accordance with Rule 28, except that upon request of a member of the Common Council, a resolution, local law or ordinance shall be read in its entirety. Any resolution, local law or ordinance before the Common Council, which has not been filed and mailed in accordance with Rule 28, shall be read in its entirety by the Clerk of the Common Council at the request of any Alderman.

Rule 28. Procedures for Resolutions

A) All resolutions requested or proposed shall be submitted through the Clerk of the Common Council for Corporation Counsel preparation/review for inclusion on the committee principally concerned at least ten (10) calendar days prior to the committee meeting at which it is to be considered. The Clerk of the Common Council shall issue a tracking number and title to each proposed resolution and maintain a list to be provided to the Aldermen and Mayor each month as to the status of each requested and proposed resolution.

B) Resolutions containing proposals for “new” programs not currently budgeted shall be accompanied by an informational memorandum detailing the following information:

- 1) Statement of Intent
- 2) Plans, Goal and Objectives
- 3) Program Description
- 4) Operational Impact – Services
- 5) Fiscal Impact – Cost Resources
- 6) Method of Financing
- 7) Intra-agency Coordination (if applicable)
- 8) Anticipated Benefits
- 9) Anticipated Problems

C) Aldermen, in lieu of the information memorandum above, may appear before the appropriate committee to discuss any resolution(s) they wish to propose.

D) The Mayor, together with the chair of said committee, shall determine items to be scheduled for consideration at Committee, Regular and Special Meetings of the Common Council.

1) At least five (5) calendar days prior to the appropriate meeting at which a proposed resolution is to be considered by the Committee, the Clerk of the Common Council shall forward a copy of the Committee agenda and proposed resolutions, as prepared/reviewed by Corporation Counsel, to each member of the Committee, all other Common Council Members and the City Attorney either by mail or by personal delivery.

2) At least five (5) calendar days prior to the Regular Meeting at which a resolution is to be considered by the Common Council, the Clerk of the Common Council shall forward to each Alderman and the Corporation Counsel a list of all resolutions to be considered at the meeting along with a copy of the informational memorandum.

3) All resolutions shall be consecutively numbered with the first resolution of the new fiscal year bearing the number one (1) prefixed by the fiscal year. (Example 2011/2012 – 1)

E) Neither the Mayor nor any committee chair shall exclude from an agenda for discussion any item requested by an Alderman unless written notification citing the reason for the exclusion is provided to the sponsor of the resolution and the entire Common Council at least five (5) calendar days prior to the regular meeting. Any decision by the Mayor or a committee chair to exclude a resolution or discussion can be overruled by a motion to discharge the resolution. A motion to discharge must have a sponsor and a second, which may differ from the resolution's primary sponsor and second. A majority vote for regular meetings shall be sufficient to pass the motion to discharge, which will place the resolution on that meeting's agenda. A simple majority vote shall be sufficient to pass the motion to discharge in committee, which will place the resolution on that committee's agenda.

Rule 29. An emergency resolution (one which concerns any matter where delay in the consideration thereof would adversely affects the interests of the City, the Common Council or any department, official or agency of the City or the public) may be placed on the agenda at any Regular Meeting of the Common Council by a four-fifths (4/5) majority of the Common Council members present.

ARTICLE V – COMMITTEES

Rule 30. Committee reports and recommendations shall not be binding on the Common Council. Only at Regular Meetings shall votes be counted and binding.

Rule 31. Each committee shall review all issues forwarded by the Clerk of The Common Council for its consideration. Committees shall report on each item and may provide a recommendation for approval, disapproval or forwarding to the entire Common Council for further review by a simple majority of the committee members. If a committee disapproves a resolution, local law or ordinance by the affirmative vote of a simple majority of the members of the committee referred for its consideration, the Chair of the Committee shall notify the sponsor of such resolution, local law or ordinance and the committee shall file a written report with the Common Council stating its disapproval and outlining the reasons therefore. No item is to be reported out of committee without a recommendation by a simple majority of the members of the committee or in accordance with these Rules.

Rule 32. The Common Council shall appoint the members and designate the chair of all standing and special committees within ten (10) days of their election.

Rule 33. The Common Council may from time to time create special committees. Any resolution creating a special committee shall specify the powers and duties of the committee and the number of its members. Each member of any committee shall serve for the period specified in the resolution, but in any event not longer than the term for which he or she shall have been elected as an Alderman.

Rule 34. Standing committees shall consist of the designated Aldermen for that Committee exclusive of the Mayor. The presence of a majority of committee members, inclusive of the Deputy Mayor shall constitute a quorum for the purpose of conducting committee business.

Rule 35. The members of all standing committees shall be appointed for the duration of one year. Nothing herein shall be construed to allow any person to continue to serve on any committee after he or she ceases to be an Alderman.

Rule 36. The Mayor (or the Deputy Mayor in the Mayor's absence) shall be an ex-officio member of all standing and special committees and as such shall have the right to participate in all functions of such committees including the right to vote. The Mayor (or the Deputy Mayor in the Mayor's absence) shall be counted in determining the presence of a quorum.

Rule 37. The Common Council shall fill any vacancy occurring on any standing committee or special committee within thirty (30) days after such vacancy occurs. In the event such vacancy occurs in the position of committee chair, the Common Council shall designate a new committee chair within ten (10) days after such vacancy occurs.

Rule 38. Neither the chair nor any other member of a standing committee shall be removed during the term of which the committee was appointed with prior consent of the member.

Rule 39. The chair of each standing or special committee shall be the presiding officer and shall cause the members thereof to be notified in advance of each meeting. The committee chair shall call all necessary meetings. Upon his or her refusal or neglect to call any meeting, the Clerk of the Common Council, upon written signed request of the Mayor or by majority of the committee, shall call such meeting.

Rule 40. The Common Council shall form its own Standing and Special Committees for the purposes of aiding and assisting the Common Council in the transaction of its business. There shall be the following standing committees, which shall provide general supervision for the City departments, agencies and activities designated. Their duties shall be required by law, or as directed by the Common Council, or as directed by the Mayor, or as designated herein.

Rule 40.1. GENERAL SERVICES Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

- Public Works
- Public Safety
- Solid Waste

and all other related matters referred to the committee.

Rule 40.2. FINANCE Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

- Controller
- Insurance
- Claims
- Tentative Budget Preparation and Review
- City Clerk

as well as borrowing and indebtedness, external audit, taxation, Common Council Members expenses, resolutions and local laws and ordinances involving the appropriation or expenditure of funds, and all other related matters referred to the committee.

Rule 40.3. HEALTH AND HUMAN SERVICES Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Recreation
Housing and Code Enforcement
Bus Transportation
Personnel (Employee Benefits, Collective Bargaining, Grievances)
and all other related matters referred to the committee.

Rule 40.4. GOVERNMENT Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Rules of Procedure
Intergovernmental Relations
Urban Renewal Agency
Industrial Development Agency
and all other related matters referred to the committee.

Rule 40.5. LIAISONS AND APPOINTMENTS Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions):

Amsterdam Housing Authority
Amsterdam Industrial Development Agency
Amsterdam Golf Course
Amsterdam Downtown Merchants
Cultural Affairs
Senior Citizens
Veterans
and all other related matters referred to the committee.

ARTICLE VI – RULES OF ORDER

Rule 41. The rules contained in the most recent edition of “Robert’s Rules of Order” shall govern the Common Council meetings in all cases to which they are applicable and in which they are not inconsistent with:

1. These Rules of Procedure;
2. Any special rules of order the Common Council may adopt;
3. Any statutes applicable to the Common Council.

ARTICLE VII – MISCELLANEOUS

Rule 42. The Clerk of the Common Council shall serve as secretary of standing committees of the Common Council, provided that the Clerk of the Common Council may designate another City officer or employee as secretary with the approval of the committee chair.

Rule 43. The Clerk of the Common Council shall provide a set of brief minutes of meeting for all committee meetings taking place during the month to all Common Council members as part of the information packet supplied to the Common Council prior to the next Regular Meeting of the Common Council.

Rule 44. These rules may be amended with the approval of a simple majority vote of three-fifths (3/5) vote of the Common Council by adoption of a resolution filed and distributed in accordance with Rule 28, except for rules prescribed by state statute or City Charter. To the extent that City Charter or a state statute, which prescribes these rules, is amended, these standing rules shall be amended consistent with such amended law or statute without formal action by the Common Council.