

Sec. 2-10. - Powers, duties and functions.

The powers, duties and functions of Town Council shall be as set out in the Charter and state law.

(Code 1969, § 2-10)

**Charter reference—** For Charter provisions as to powers and duties of Town Council generally, see Charter §§ 4.1 to 4.7. As to election of councilmembers, see Charter §§ 3.1 to 3.4.

Sec. 2-11. - Use of Robert's Rules of Order.

The meetings of the Town Council, except as its own rules of procedure may otherwise provide, shall be conducted according to Robert's Rules of Order.

(Code 1962, § 2-3; Code 1969, § 2-11)

DIVISION 6. - RULES OF PROCEDURE

Sec. 2-30. - Seating of members.

Members shall occupy the respective seats in the council chamber assigned to them by the mayor, but any two or more members may exchange seats upon mutual agreement.

(Code 1962, app. 3; Code 1969, § 2-30; Ord. of 9-7-1965; Ord. of 2-1970)

Sec. 2-31. - Recognition of members.

Recognition shall be requested by addressing the chair as "Mr. Mayor." When recognized by the chair, a member shall confine his remarks to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. No member shall address the chair or demand the floor while any vote is being taken, except to raise a point of order or to demand the ayes and nays.

(Code 1962, app. 3; Code 1969, § 2-31; Ord. of 9-7-1965)

Sec. 2-32. - Question of order.

Any member may interrupt Town Council proceedings to raise a point of order. The pending business shall be suspended thereupon, and the chair shall rule on the point of order after affording both sides an opportunity to be heard. Such ruling shall be subject to being overruled by majority vote upon a duly made and seconded motion. A tie vote sustains the ruling of the chair.

(Code 1962, app. 3; Code 1969, § 2-32; Ord. of 9-7-1965)

Sec. 2-33. - Limitation on debate.

No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken. Each councilmember and the mayor shall have the right to speak once on each motion, resolution, ordinance and on each amendment thereto. No member shall speak for longer than ten minutes each time without leave of council. The total time during which any business shall be considered may be limited by a majority vote of members present and voting. A motion to so limit debate is in order at any time.

(Code 1962, app. 3; Code 1969, § 2-33; Ord. of 9-7-1965)

Sec. 2-34. - Voting procedure.

Every member present when a question is put shall vote either "aye" or "nay," unless the Town Council shall excuse him from voting. Application to be excused from voting shall be made before the votes are called for. The member having briefly stated the reason for his request, the decision thereon shall be made without debate. Upon demand of any member, made before a decision is announced by the chair, the roll shall be called for "ayes" and "nays" upon any question before council. It shall not be in order for members to explain their vote during the roll call. Each councilmember and the mayor shall have one vote on all questions. A roll call vote is required as to all actions involving expenditure of bond funds.

(Code 1962, app. 3; Code 1969, § 2-34; Ord. of 9-7-1965)

Sec. 2-35. - Questions of personal privilege.

The right of a member to address the Town Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

(Code 1962, app. 3; Code 1969, § 2-35; Ord. of 9-7-1965)

Sec. 2-36. - Extension of remarks.

Any member shall have the right to formally express approval of or dissent from or protest against any ordinance or resolution adopted by Town Council and have the reason therefor entered upon the journal. Such dissent or protest shall be filed in writing, couched in respectful language, and presented to council not later than the next regular meeting following the date of passage of the ordinance or resolution objected to.

(Code 1962, app. 3; Code 1969, § 2-36; Ord. of 9-7-1965)

Sec. 2-37. - Motions to be stated by chair; procedure for withdrawing motions.

When a motion is made and seconded, it shall be restated by the chair before debate upon request by any member. A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the Town Council.

(Code 1962, app. 3; Code 1969, § 2-37; Ord. of 9-7-1965)

Sec. 2-38. - Introduction of ordinances, motions, etc., out of regular order.

By a majority vote of the members present, a member may be permitted to introduce an ordinance, resolution or motion out of the regular order; provided that in the case of ordinance, the provisions of section 9.1.1 of the Charter shall apply.

(Code 1962, app. 3; Code 1969, § 2-38; Ord. of 9-7-1965)

Sec. 2-39. - Motion to adjourn.

A motion to adjourn shall be in order at any time, except as follows:

- (a) When repeated without intervening business or discussion;
- (b) When made as an interruption of a member while speaking;
- (c) When the previous question has been ordered; and
- (d) While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is

adjourned.

(Code 1962, app. 3; Code 1969, § 2-39; Ord. of 9-7-1965)

Sec. 2-40. - Motion to lay on the table.

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present. A motion to lay on the table takes precedence over all subsidiary motions and over such incidental questions as are pending. It yields to privileged motions and is not debatable.

(Code 1962, app. 3; Code 1969, § 2-40; Ord. of 9-7-1965)

Sec. 2-41. - Motion to postpone.

All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost. A motion to postpone is debatable.

(Code 1962, app. 3; Code 1969, § 2-41; Ord. of 9-7-1965)

Sec. 2-42. - Procedure to make subject special order.

To make any subject a special order shall require the consent of a majority of the members present.

(Code 1962, app. 3; Code 1969, § 2-42; Ord. of 9-7-1965)

Sec. 2-43. - Motion to reconsider.

After the decision on any question, any member who voted with the majority may move a reconsideration of the prior action at the same or the next succeeding meeting, provided that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof; and provided that there are at least as many members present as were present when the original action was taken. A motion to reconsider shall require a majority of those members present and voting. After a motion for reconsideration has once been acted on,

no other motion for a reconsideration thereof shall be made without unanimous consent. If the motion for reconsideration succeeds, any motion disposing of the substantive question is in order.

(Code 1962, app. 3; Code 1969, § 2-43; Ord. of 9-7-1965)

Sec. 2-44. - Procedure for moving previous question.

A motion on the previous question is not debatable, requires a two-thirds majority and cannot be amended. A member moving the previous question at a time when the main motion plus one or more amendments are pending shall specify the question of which the question is demanded. Upon the previous question being moved and seconded, the chair shall immediately put it to a vote. If approved, the chair shall thereupon put to a vote all questions to which the motion on the previous question was directed.

(Code 1962, app. 3; Code 1969, § 2-44; Ord. of 9-7-1965)

Sec. 2-45. - Division of question.

If the question is divisible into two or more propositions, the presiding officer may, and upon request of a member shall, divide the same.

(Code 1962, app. 3; Code 1969, § 2-45; Ord. of 9-7-1965)

Sec. 2-46. - Amendments.

It shall be in order to amend any ordinance, resolution or motion at any time during its consideration. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to an entirely different matter shall not be in order.

(Code 1962, app. 3; Code 1969, § 2-46; Ord. of 9-7-1965)

Sec. 2-47. - Tie vote.

In case of a tie vote on any proposal, the proposal shall be considered lost.

(Code 1962, app. 3; Code 1969, § 2-47; Ord. of 9-7-1965)

Sec. 2-48. - Precedence of motion.

When a question is before the Town Council, no motion shall be entertained except:

- (a) To adjourn;
- (b) To fix the hour of adjournment;
- (c) To lay on the table;
- (d) To refer;
- (e) To amend;
- (f) For the previous question;
- (g) To postpone to a certain day; and
- (h) To postpone indefinitely.

These motions shall have precedence in the order indicated.

(Code 1962, app. 3; Code 1969, § 2-48; Ord. of 9-7-1965)

Sec. 2-49. - Procedure in absence of rule.

In the absence of a rule in this article to govern a point of procedure, Robert's Rules of Order shall control.

(Code 1962, app. 3; Code 1969, § 2-49; Ord. of 9-7-1965)