



CITY OF JOHNSTOWN



RULES AND ORDERS OF THE COMMON COUNCIL March, 2024

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**RULES AND ORDERS OF THE
COMMON COUNCIL**

CITY OF JOHNSTOWN, NEW YORK

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Rule 1: Call to Order

At each regular or special session, the presiding officer shall take the chair at the hour to which the Common Council shall have adjourned. he/she shall immediately call the council to order and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

- As provided for in Section 45 of the Charter of the City of Johnstown, the Mayor shall be the presiding officer of the Common Council, but shall have no vote therein except as in a case of a tie, when he/she shall have the casting vote.
- The Councilmember-at-Large shall be the presiding officer of the Common Council in the absence of the Mayor, but shall not lose his vote as Councilmember by reason of his acting as such presiding officer and when he/she shall vote as Councilmember he/she shall have no casting vote on a tie.
- In the event of the absence of both the Mayor and Councilmember-at-Large the Councilmember in the following order shall act as temporary presiding officer: Councilmember Ward 1, Councilmember Ward 2, Councilmember Ward 3, and then Councilmember Ward 4. The temporary presiding officer shall only act for the following purposes:
 1. If there is absence of a quorum he/she shall adjourn the meeting.
 2. If there is a quorum he/she shall, as the first order of business, proceed to take nominations for presiding officer pro-tempore which shall be chosen by the members of the Common Council and the presiding officer pro-tempore upon election shall then proceed with the business of the meeting at hand.

Where applicable, reference to the Mayor in the rules hereinafter set forth, shall refer to the Councilmember-at-Large or presiding officer pro-tempore, as such presiding officer.

Rule 2: Presiding Officer

As presiding officer, the Mayor shall possess the power and perform the duties herein prescribed, as follows:

1. he/she shall preserve order and decorum;
2. he/she shall decide all questions of order, subject to the appeal of the Common Council. On every appeal he/she shall have the right, in his/her place, to assign his/her reasons for his/her decision;
3. he/she shall appoint all committees, except the committee on auditing accounts provided for in Section 58 of the City Charter, unless otherwise ordered by the Common Council;
4. he/she shall have a casting vote only in the case of a tie between the members of the Common Council.
5. he/she shall promptly report to the Common Council all complaints against city officers for misconduct or neglect of duty;

6. he/she shall recommend to the Common Council, from time to time, such measures as he/she shall deem necessary or expedient for them to adopt.

Rule 3: Sergeant-at-Arms

The Chief of Police shall be Sergeant-at-Arms of the Common Council, and in that capacity shall attend all meetings when not otherwise engaged in official duty. If so engaged in official duty he/she shall designate an officer to act in his/her place. He/she shall have the power, when directed by the Common Council, to enforce the attendance of absent members, and shall at all time discharge promptly every duty imposed upon him.

Rule 4: Order of Business

The presiding officer, having taken the chair at the hour appointed and a quorum being present, call to order the business as follows, and shall not be departed from, unless by unanimous consent of the Common Council:

1. Call Meeting to Order/Pledge of Allegiance
2. Roll Call of Council
3. Public Comment Session
4. Public Hearing
5. Public Speakers
6. Approval of Minutes*
7. Approval of Claims and Accounts
8. Reports from City Departments
9. Report of Liaisons
10. Motions and Resolutions
11. Discussion
12. Announcements
13. Executive Session
14. Adjournment

*The minutes as first presented shall not be altered, nor shall any interlineation or erasures thereon be made. If an error is claimed the presiding officer may order the minutes to be corrected accordingly and stand approved by majority vote of the Council; all corrections shall form a part of the minutes. If an error is claimed and objection made to the correction, the presiding officer shall order the minutes to stand approved as presented by majority vote of the Council.

Rule 5: Petitions, Resolutions

Petitions, Resolutions, Local Laws, or any other papers addressed to the Common Council, may be presented by the Mayor, or by any member in his/her place.

Rule 6: Endorsement

Every member of the Common Council presenting a paper shall properly endorse same. If a petition, memorial or report of a city officer, provide a brief statement of its subject. If a report of a committee, a statement of such report, with the name of the committee and member. Every such petition, memorial or report of city officers, shall be referred by the Mayor to an appropriate committee.

Rule 7: Voting

Every Councilmember who shall be in his/her seat, when a matter is presented by the presiding officer, shall vote thereon, unless he/she is excused by the Common Council. No councilmember shall vote on any matter presented unless in his/her seat when his/her name is called.

Rule 8: Voting; Abstention

Any Councilmember requesting to abstain from voting, on a particular matter, may make a brief statement of the reasons for such request, not exceeding five (5) minutes in time. Abstention shall be taken without debate. A request to abstain from voting may be withdrawn at any time before he/she is excused and he/she may then vote.

Rule 9: Rising to Debate

No member rising to debate, to make a motion or report, or to present a petition or other paper, shall proceed until he/she has addressed the Mayor, and has been recognized by him/her.

Rule 10: Private Discourse

While a member is speaking, no member shall entertain any private discourse or pass between him/her and the chair.

Rule 11: Silence in Order

While the Mayor is presenting a matter, a count is being had, or the roll called, no member shall speak or leave his/her place.

Rule 12: Adjournment

When a motion to adjourn is carried, every member shall retain his/her seat until the Mayor declares the council adjourned.

Rule 13: Authority to Speak

No member shall speak more than once to the same general question, without authority of the council, and until every member desiring to speak on the question pending shall have spoken.

Rule 14: Transgression

If any member in speaking shall transgress the order of the Common Council the Mayor, or any councilmember, may call him/her to order, in which case the member so called to order shall immediately sit down and shall not rise unless to explain or proceed in order.

Rule 15: Priority of Business

All questions relating to the priority of business, that is, the priority of one matter over another, under the same order of business, shall be decided without debate.

Rule 16: Committees

Standing committees shall be appointed on the following subjects:

- Finance: Auditing, Purchasing
- Public Safety: Police, Fire, Public Works
- Personnel
- Sewer

Rule 17: Committee Appointments

Select committees shall be appointed from time to time, on such subjects, and for such purposes, as the demands of business shall seem to require.

Rule 18: Committee Duties

It shall be the duty of each of the committees to inquire into the matter indicated by its name, and report thereon to the Common Council any information which it may deem conducive to the public good.

Rule 19: Auditing Committee

It shall be the duty of the Auditing Committee to examine into all the departments of the city government, with a view to the reduction of taxes, and the closest economy in public expenditures, and to that end they shall have the right of access at all times, to the books and papers of every officer.

Rule 20: Reports

All reports from either standing or select committees shall be in writing, and shall be properly filed and carefully preserved by the Clerk.

Rule 21: Special Order

Any matter may be made a special order for any particular day by the assent of two-thirds of the members present, and no special order shall be postponed or rescinded except by vote of two-thirds of the members present.

Rule 22: Introduction of Motions

The motions to adjourn or to lay on the table shall be decided without amendment or debate of the main matter at hand.

Rule 23: Reading of Motions

The title of every motion or resolution shall be personally read and introduced by the presenting Councilmember, before any action shall be taken thereon, and every motion shall be reduced to writing, if the Mayor or any member shall request it.

Rule 24: Withdrawal of Motion

After a motion shall be stated by the Mayor it shall be deemed in the possession of the Council, but may be withdrawn at any time before it shall be decided or amended.

Rule 25: Adjournment

The motion to adjourn or to take a recess shall always be in order.

Rule 26: Quorum

In all cases of the absence of a quorum during the session of the council, the members present may take such measures as they deem necessary to secure the presence of a quorum, and may inflict such formal disapproval or financial penalty as they may deem just on those who, being called on for that purpose, shall render no sufficient excuse for their absence.

Rule 27: Yeas/Nays

The yeas/ nays (yes/no) shall be taken on any matter whenever so requested by two (2) councilmembers, and when so taken shall be entered on the minutes.

Rule 28: Minutes

The Clerk shall keep an accurate record of the proceedings of every meeting, and such proceedings shall be kept by him/her for that purpose (Minutes are not required to be and should not be a verbatim account of the meeting. Minutes must include an accurate and complete record or summary of all Motions, Proposals, Resolutions and other formally voted upon matters).

Minutes of proceedings shall be open to the inspection of any member of the Common Council and/or public. He/she shall also properly file and carefully preserve every petition, memorial, report, or other paper presented to the Common Council, and have same ready at all times for reference if desired by the Common Council.

Rule 29: Public Comment

Any person wishing to address the Council, regarding city business, will be permitted to speak for three (3) minutes. There is no exchange of dialogue during this portion of the meeting. Profane language, obscene conduct, or disruptive comments are not acceptable and will not be allowed.

Rule 30: Standing Rules

No standing rule or order of the Council shall be changed (suspended or rescinded) until a regular meeting subsequent to one upon which notice to do shall be given, nor shall such change be made unless by a vote of a majority of all the members elected to the council, nor shall such notice be given at any except a regular meeting of the council. The notice and motion shall in all cases state specifically the object of

the change, and every case of change of a rule under such notice and motion shall be held to apply only to the objects specified therein, but any rule any at any time be changed for a particular purpose by unanimous consent of all the members present.

Rule 31: Discussion

No member of this council shall occupy more than ten (10) minutes in the discussion of any one matter.

Rule 32: Parliamentary Law

Upon any matter which may arise, not especially provided for in these rules, the general principles of parliamentary law shall apply so far as the same are applicable.

Rule 33: Requests

All requests for resolutions, all petitions to the Mayor and Common Council, and any and all other matters presented at the Common Council meetings, except such matters as shall be determined by the Mayor and Common Council, shall be deemed as an emergency in nature,

Rule 34: Rules of Order

That on all matters of procedure, not specifically covered herein, shall be under general principal of parliamentary law as set forth in Rule 37 and Robert's Rules of Order shall be the authority.

Rule 35: Disciplinary Procedures for Rule Violations

Council Members are expected to adhere to the established rules. If a Council Member breaches these rules, shows a pattern of absenteeism from meetings or lack of involvement in City government the following disciplinary actions will be taken in order:

- Verbal notice by Councilmember at Large.
- Written notice by Councilmember at Large.
- Censure during current or future meetings as determined by the Councilmember at Large, Sergeant-at-Arms, or designee.
- Removal as Liaison from any appointed committee.

These steps are to ensure that the integrity and order of the Council's proceedings are maintained.