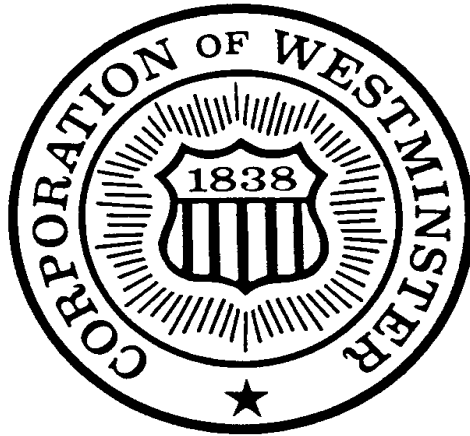


**RULES OF ORDER AND PROCEDURE
FOR THE
MAYOR AND COMMON COUNCIL
OF WESTMINSTER**



THE MAYOR AND COMMON COUNCIL

**Mona Becker, Mayor
Gregory Pecoraro, Council President
Tony Chiavacci, Council President Pro Tempore
Kevin Dayhoff, Council Member
Ann Gilbert, Council Member
Daniel Hoff, Council Member**

**City Administrator
Sara Imhulse**

**City Attorney
Elissa Levan**

**City Clerk
Douglass A. Barber**

Revised: August 2023

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ARTICLE I. IN GENERAL

Section 1 Introduction

These Rules of Procedure (Rules) have been adopted to assist The Mayor and Common Council (Legislative Body) in discharging its responsibilities under Article XI-E of the Maryland Constitution, the Local Government Article of the Annotated Code of Maryland §11 of the City's Charter, and Chapter 4 of the City's Code.

These Rules are supplementary in nature, and all interested persons should consult the above-referenced materials for additional substantive and procedural provisions. Additional requests for information should be submitted to the City Clerk, 45 West Main Street, 21157; telephone number 410-848-4938.

ARTICLE II MEETINGS

Section 2 Biennial Meetings

At 7:00 PM on the third Monday in May of each odd numbered year or, if such third Monday shall fall upon a holiday, then the next succeeding business day, the newly elected and holdover members of the Legislative Body shall meet for the purpose of organizing the City government. Such meeting shall be devoted to taking such action as required by Section 4-9 of the City Code and such other business as shall be scheduled by the Legislative Body. At such time, the Common Council shall elect one member as Council President to discharge the duties and responsibilities set forth in Section 11 of the City's Charter and as otherwise provided by law. The member elected as Council President shall enter upon their duties immediately and serve during the biennium unless replaced by a vote of a majority of the whole number of members of the Council.

Section 3 Regular Meetings

- (a) Regular meetings of the Legislative Body shall be held at 7:00 PM on the second and fourth Monday of each month. When any such Monday is a holiday, the regular meeting shall be held at such time as provided by motion of the Common Council at the preceding meeting. The Legislative Body meets in City Hall, unless the Council President, with the concurrence of a majority of the voting members, designates another place for the conduct of the meeting, or calls the Legislative Body to a virtual meeting.
- (b) At its regular meeting, the Legislative Body shall consider all matters properly brought before it in accordance with its agenda. A regular meeting may be cancelled or rescheduled by the Common Council at a prior meeting.

Section 4 Special Meetings

The Council President or the Mayor may call a special meeting of the Legislative Body whenever in their opinion the public business may require it, or upon the written request of any two members of the Council. Whenever a special meeting shall be called, the City Clerk shall make a diligent effort to notify each member of the Legislative Body in person, either by telephone or otherwise, of such special meeting. Only matters set forth in the notice of the meeting shall be transacted at such special meeting.

Section 5 Work sessions

The Council President or the Mayor may schedule a work session to consider topics that are complicated in nature or require public discussion. Whenever work sessions are scheduled, each member of the Legislative Body will be notified, and public notice will be given.

Section 6 Adjourned Meetings

Any meeting of the Common Council may be continued or adjourned from day-to-day, or for more than one day, but no adjournment shall be longer than the next regular meeting thereafter.

Section 7 Open Sessions

All meetings of the Legislative Body, whether regular, special, biennial or work session shall be open to the public at all times; but this shall not be construed to prevent the Legislative Body from holding closed sessions in accordance with the Maryland Open Meetings Act, General Provisions Article, Title 3, of the Annotated Code of Maryland. Any member, including the Mayor, who shall disclose the substance of a closed session without approval of the Common Council shall be subject to reprimand and censure by the Common Council.

Section 8 Quorum

At any meeting of the Legislative Body a quorum shall consist of three voting members of the Common Council. If a lesser number than a quorum shall convene at a regular or special meeting, the meeting may be adjourned as provided for in Section 5. No other action shall be taken in the absence of a quorum.

Section 9 Rules of Procedure

- (a) All meetings of the Legislative Body shall be conducted in accordance with the latest published edition of Robert's Rules of Order, Newly Revised, except where they are inconsistent or conflict with these Rules of Procedure or the City Charter or Code. A copy of these Rules and the latest edition of Robert's Rules of Order Newly Revised shall be maintained by the City Clerk.

- (b) An action of the Legislative Body that is otherwise valid is not invalid because of the failure to follow these rules or Robert's Rules of Order, Newly Revised.

ARTICLE III. OFFICERS

Section 10 Presiding Officer

The Council President shall be elected at the biennial organizational meeting of the Council and shall serve during the biennium unless replaced by a vote of a majority of the whole number of members of the Council.

Section 11 President Pro Tempore

The Common Council shall choose one Council member to hold the office of the President Pro Tempore, who shall serve during the biennium unless replaced by a vote of a majority of the whole number of members of the Council. The President pro tempore shall act as President of the Council during the absence of the President, or when the Council President is temporarily acting as Mayor.

Section 12 Duties of Council President

In addition to such other duties as may be required by law, the Council President shall preserve strict order and decorum and preside at all regular and special meetings of the Legislative Body except as provided in Section 18. The Council President shall be the presiding officer during all meetings and work sessions, except during public hearings. He or she shall state every question coming before the Legislative Body, announce its decision on all subjects, and decide all questions of order, subject, however, to an appeal to the Common Council, in which event a majority vote shall govern and conclusively determine such question of order. The Council President may debate from the chair, subject only to such limitations of debate as are by these Rules imposed on all members. The Council President may vote on any question before the Common Council and shall vote in order to break a tie, to override the Mayor's disapproval of any ordinance, to cast a vote in any matter which requires a vote of four-fifths (4/5ths) of the Common Council, or to constitute a quorum when only three members of the Common Council are present.

Section 13 Staff Support

- (a) The City Clerk shall attend all meetings of the Legislative Body, unless excused by the Council President. The City Clerk shall keep minutes of the meeting and perform such other and further duties in the meeting as may be required by the Legislative Body, as well as those required by the City Code.
- (b) The City Administrator and Department Heads shall attend all meetings of the Legislative Body, unless excused by the Council President.

- (c) The City Attorney shall attend all meetings of the Legislative Body, unless excused by the Council President. Any member of the Legislative Body may at any time call upon the City Attorney for an oral or written opinion to decide on any question of law, but not to decide upon any parliamentary rules.
- (d) Any other officer or employee of the City, when requested by any member of the Legislative Body, shall attend any regular, special, biennial or workshop meeting, and confer with the Council on all matters relating to the City.

ARTICLE IV. LEGISLATIVE BODY PROCEDURE

Section 14 Meetings and Agenda

- (a) The Council President shall take the chair at the hour appointed for the Legislative Body to meet and shall immediately call the members to order. The City Clerk shall enter into the minutes of the meeting the names of the members present.
- (b) The City Clerk, with the consent of the Council President, shall prepare an agenda for meetings of the Legislative Body and furnish a copy of it to all members prior to meetings.
- (c) The Council President may establish and provide to the City Clerk a consent agenda for any regular or special meeting. The consent agenda shall apply to reports from operating departments, petitions and communications and administrative matters, but shall not apply to resolutions and ordinances. The consent agenda may then be approved by motion, by majority vote, without the necessity of reading the title or the actual body of the communications, and motions on the consent agenda. If, at any time prior to the adoption of the consent agenda at the regular meeting or special meeting, any member of the Legislative Body objects to the existence of any item on the consent agenda, the matter shall be removed from the consent agenda and shall be voted on separately.

Section 15 Order of Business

The business of all regular meetings of the Legislative Body shall be transacted in the following order, unless the Council President, with the consent of a majority of the voting members present, shall suspend the rules, and change the order:

1. Call to Order
2. Minutes of preceding meeting(s)
3. Presentations
4. Public Hearings
5. Consent Calendar
6. Reports from Mayor

7. Reports from Standing Committees
8. Council Comments and Discussion
9. Bids
10. Ordinances and Resolutions
11. Unfinished Business
12. New Business
13. Departmental Reports
14. Citizen Comments
15. Adjournment

Section 16 Filing with Clerk

Every ordinance, resolution, and document to come before the Legislative Body for consideration should be filed with the City Clerk at least four days before the Legislative Body meets. It shall be the duty of the City Clerk to have ready for delivery before the Legislative Body meets, copies of all ordinances, resolutions, and documents filed with the City Clerk to come before the Legislative Body for consideration. Any item not filed with the Clerk by the time specified shall be placed on the agenda only by a majority of the voting members present at the meeting.

Section 17 Precedence of Motions

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

- (a) To adjourn,
- (b) To recess,
- (c) To fix the hour of adjournment,
- (d) To table,
- (e) To call for the previous question,
- (f) To postpone to a certain day,
- (g) To refer,
- (h) To amend, or
- (i) To postpone indefinitely

These motions shall have precedence in the order indicated. Any such motions, except a motion to amend, shall be put to a vote without debate.

Section 18 Decorum and Order

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to the Common Council.

- (a) During meetings of the Legislative Body, its members shall preserve order and decorum and shall not by conversation or otherwise delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or the rules of the Legislative Body. Every member desiring to speak shall address the

- presiding officer and, upon recognition by the presiding officer, shall confine himself or herself to the questions under debate. A member, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a member is called to order while speaking, said member shall cease speaking immediately until the question of order is determined. If ruled to be in order, said member shall be permitted to proceed. If ruled to be out of order, the member shall remain silent or shall alter any remarks to comply with rules of the Common Council.
- (b) All members of the Legislative Body shall accord the utmost courtesy to each other, to City employees, and to public members appearing before the Legislative Body and shall refrain from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motive and personalities. Members shall confine their questions as to the matters before the Legislative Body. Members shall be removed from the meeting for failure to comply with decisions of the presiding officer or for continuing violations of the rules of the Common Council. If the presiding officer fails to act, any member may move to require the presiding officer to enforce the rules and the affirmative vote of a majority of the voting members in attendance shall require the presiding officer to act.
 - (c) Officers and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Legislative Body. The presiding officer shall have the authority to maintain decorum at meetings. Any official or staff desiring to address the Legislative Body or members of the public shall be recognized by the chair and shall limit his or her remarks to the matter under discussion. All remarks and questions addressed to the Legislative Body shall be addressed to it as a whole and not to any individual member thereof.
 - (d) Members of the public attending meetings of the Legislative Body shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Legislative Body. Any person making personal, impertinent, or slanderous remarks while addressing the Legislative Body or while attending its meeting may be removed from the room by direction of the presiding officer and such person shall be barred from further audience before the Legislative Body at its meeting. Unauthorized remarks from the audience, stamping of the feet, whistling, yelling and other similar demonstrations shall not be permitted by the Council President, who shall direct the removal of such offenders from the room. The Chief of Police or such member or members of the Police Department as the Chief may designate, shall be Sergeant-at-Arms of meetings of the Legislative Body. The Chief, or his or her designee, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting.

- (e) Any member of the public desiring to address the Legislative Body shall be recognized by the chair, shall state his or her name and address in an audible tone for the record, and shall limit his or her remarks to the questions under discussion. No person other than members of the Legislative Body and the person having the floor shall enter any discussion either directly or through a member of the Legislative Body without the permission of the presiding officer.

Section 19 Procedure during Public Hearings

- (a) A quorum is not required for a public hearing unless expressly required by law.
- (b) The Mayor shall be the presiding officer at all public hearings conducted by the Legislative Body. In the Mayor's absence, the Council President shall conduct the hearing.
- (c) After convening a public hearing, but before the presentation of testimony, the presiding officer shall:
 - (1) Briefly explain the purpose of the public hearing;
 - (2) Give the last date by which written testimony or information should be submitted;
 - (3) Announce the date and time for any final action, if known; and
 - (4) Present any information required by law.
- (d) The presiding officer may announce in advance or at the hearing time limits for each speaker, registration requirements, and limits on the number of speakers. A majority of the voting members may extend or shorten the time limits or change the limits on the number of speakers. The Council President may vote on a motion to change the time limits or the limits on the number of speakers.
- (e) Each member of the public desiring to speak at a public hearing shall provide the following information when recognized by the presiding officer to speak:
 - (1) Name;
 - (2) Home or business address as appropriate;
 - (3) The organizations the speaker represents, if any.
- (f) After recognition by the presiding officer, any member present may briefly question any speaker. The member and the speaker must not debate.
- (g) A transcript of a public hearing shall be made if
 - (1) It is required by law; or

- (2) the Council President or a majority of the voting members so request, with sufficient notice.
- (h) A public hearing may be continued by the presiding officer without further published notice if at the time and place for which notice was originally given, the presiding officer specifies the time and place where the hearing will reconvene.

Section 20 Appointments

- (a) All appointments to the City Boards and Commissions shall be made in accordance with the statutes and the City Charter. Appointees shall be residents of the City, except as required otherwise by statute or resolution.
- (b) Whenever the Mayor shall submit an appointment to be made with the advice and consent of the Common Council, such consent shall require a majority of the voting members.
- (c) Immediately after the appointment of committees at the organizational meeting of the Legislative Body following each biennial election, the Mayor shall appoint, with the advice and consent of the Council, members of the Legislative Body to serve as members or liaison to the following bodies, the term of such appointments to be until the next reorganization of the Legislative Body.
 - 1) Liaison to the Board of Director of the Carroll County Arts Council
 - 2) Member of the City Planning and Zoning Commission
 - 3) Member of the City Recreation and Parks Advisory Board
 - 4) Liaison to the Board of Directors of the Mid-Atlantic Gigabit Innovation Collaboratory
 - 5) City Members of the Board of Directors of the Westminster Town Center Corporation
 - 6) Board of Managers of the Westminster Cemetery Company

ARTICLE V. COMMITTEES

Section 21 Committees

From time to time the Common Council may use committees to consider, investigate, or act in support of the Council's responsibility for legislation and oversight of city government. In discharging their duties, the committees shall engage the advice and support of the City Administrator, City Attorney, and such other city staff as may be necessary.

- (a) The Council President may appoint such special, select, or ad hoc committees he or she considers necessary.

- (b) The Common Council, by resolution, may establish such standing committees as may be necessary, and their members shall be appointed by the Council President with the consent of the Council.

Section 22 Committee Meetings

Committees shall meet upon the call of their chairperson, with advance notice to all members, and shall report to the Legislative Body without unnecessary delay upon matters referred to them. It shall be the duty of the chairpersons of committees to ensure timely advance notice of the time and place of the meeting to all members and the City Clerk.

Section 23 Committee Reports

When a committee to which a matter has been referred is ready to report on the matter to the Legislative Body, it shall advise the City Clerk to that effect and the matter shall take its proper place in the order of business. The committee reports may be returned in writing or may be provided verbally to the Legislative Body during its meeting.

Section 24 Relieving Committee from Further Consideration

Upon motion the Common Council may, by a majority of its voting members, relieve a committee of further consideration of a matter referred to it in order to place it before the entire Legislative Body.

ARTICLE VI. DUTIES AND PRIVILEGES OF MEMBERS

Section 25 Seating Arrangement

The Council President shall designate the respective seats in the Council Chamber assigned to the members.

Section 26 Right of Floor

When recognized by the presiding officer, a member shall confine him or herself to the question under debate. No member shall address the presiding officer or demand the floor while any vote is being taken.

Section 27 Right to Appeal

Any member may appeal to the Common Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal might briefly state his or her reason for the same and the presiding officer may briefly explain his or her ruling; there

shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "shall the decision of the chair be sustained?". If a majority of the voting members present vote "Aye", the ruling off the chair is sustained, otherwise it is overruled.

Section 28 Limitation of 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, and no member shall speak more than twice upon any one subject, nor for a longer time than 10 minutes, without permission of the presiding officer.

Section 29 Voting

The Mayor shall have no vote on any matters before the Common Council but may exercise the veto authority provided in Section 11 of the Charter. Except for the Mayor, every member present when a question is put may vote either "Aye", "No" or "Abstain". Any member absent from a meeting may cast an absentee vote when said member is unable to be present at a meeting by executing a certificate stating the matter upon which the member's vote is to be cast and whether the vote is "Aye", "No" or "Abstain". The certificate shall be made on a form supplied by the City Clerk and shall be furnished to said Clerk prior to the start of the meeting at which the absentee vote is to be cast. The absentee vote shall be read by the presiding officer. Members who are unable to be physically present may also participate virtually.

Section 30 Roll Call

Upon demand of any member made before a question, the roll shall be called for "yeas" and "nays" upon any question before the Common Council. An explanation of a vote is out of order during the roll call.

Section 31 Personal Privilege

The right of a member to address the Legislative Body on a question of personal privilege shall be limited to cases in which a member's integrity, character, or motives are questioned or impugned.

Section 32 Dissents and Protests

Any member shall have the right to express dissent from any ordinance or resolution of the Legislative Body and have the reason therefore entered into the minutes. Such dissent must be filed in writing, stated in respectful language, and presented to the City Clerk not later than the next regular meeting following the date of the passage of the ordinance or resolution to which objection has been made.

Section 33 Attendance

Any member unable to attend a meeting shall so inform the Council President at the earliest possible time. Planned absences (vacations, business trips, et cetera), shall be communicated to the Council President no later than the prior meeting in order to ensure that there is a quorum.

ARTICLE VII. ORDINANCES AND RESOLUTIONS

Section 34 Preparation of Ordinances and Resolutions

All ordinances and resolutions shall be prepared by the City Attorney upon the request of two Council members or the Mayor and one Council member and shall contain the City Attorney's approval as to form and legal sufficiency.

Section 35 Introduction

All proposed ordinances and resolutions shall be introduced in the Legislative Body in printed or written form. Prior to the meeting at which introduction is made the City Clerk shall prepare copies of all proposed ordinances and resolutions. On first reading, the proposed ordinance or resolution need only be read by number and title. At final action, the ordinance or resolution need be read only by number and title unless three members request a reading of the full ordinance.

Section 36 Referral to Committee

The Council President may refer any proposed ordinance or resolution to committee for its report at or before the next meeting of the Legislative Body or as soon thereafter as is reasonably practicable.

Section 37 Readings

Ordinances, except emergency measures, shall not be passed until they have been read twice at regular or special meetings of the Legislative Body unless the requirements of reading be dispensed with by majority of the voting members of the Common Council; provided that such requirement shall not be dispensed with for any ordinance making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility.

Section 38 Amendments of Legislation

Prior to enactment of an ordinance or resolution, any member of the Common Council may propose amendments, which shall be put to the vote of the Common Council prior to the adoption of the proposed ordinance or resolution.

Section 39 Emergency Ordinances

- (a) Emergency measures shall take effect immediately upon their passage. An emergency measure is any ordinance passed by the majority of the voting members of the Common Council for the immediate preservation of the public peace, property, health, safety or morals in which the emergency is set forth and defined in preamble thereto; any ordinance calling any election, or providing for the submission of any proposal to the people; any ordinance making an appropriation for the payment of principal or interest of the public debt, or for current expenses of the City government; any general appropriation ordinance; any ordinance fixing any tax rate or assessment; or any ordinance relating to any public improvement to be paid for by special assessment. No ordinance granting, enlarging, or affecting any franchise or amending or repealing any ordinance adopted by the people under the initiative shall be an emergency measure.

- (b) If an emergency ordinance fails to receive a majority vote, such measures shall cease to be before the Legislative Body as an emergency measure. Thereafter, a motion to strike the emergency clause shall be in order. If such motion is made and adopted, the original ordinance shall be before the Legislative Body for immediate consideration as a measure without the emergency clause. If no such motion is made, the ordinance shall be deemed to have expired.

Section 40 Effective Date of Ordinance and Resolutions

- (a) All ordinances except emergency ordinances shall take effect ten days after the date of their passage unless a later date shall be indicated therein. Resolutions shall become effective as set forth in the body of the resolution itself.

- (b) Notwithstanding the provisions of subsection (a), an ordinance authorizing the issuance and sale of bonds or an ordinance awarding bonds may be passed by the Common Council upon unanimous consent of the voting members on the date such ordinance is introduced and may become effective immediately.

- (c) In the event that the Mayor vetoes any ordinance and the Legislative Body overrides the veto by a four-fifths (4/5) vote, the ordinance will be signed by the Council President with a notation that the Common Council has overridden the Mayor's veto.

- (d) If the Mayor declines to sign a resolution, it may be signed instead by the Council President.

ARTICLE VIII. MISCELLANEOUS

Section 41 Code of Ethics

The members of the Legislative Body occupy positions of public trust and are subject to the Code of Ethics contained in Chapter 16 of the Westminster City Code. Additionally, all business transactions of the Legislative Body dealing in any manner with public funds, either directly or indirectly, are subject to the scrutiny of public opinion, both as to the legality and to the propriety of such transactions. The members of the Legislative Body shall not have a pecuniary interest either directly or indirectly in contracts of any character with the City.

In addition to the matters of pecuniary interest, the members of the Legislative Body shall refrain from making use of special knowledge or information before it is made available to the general public; shall refrain from making decisions involving business associates, customers, clients, friends, and competitors; shall refrain from repeated and continued violation of council rules; shall refrain from appointing immediate family members, business associates, clients, or employees to City boards and commissions; shall refrain from influencing the employment of City employees; shall refrain from requesting the fixing of traffic tickets, police summonses, and similar citations; shall refrain from seeking the employment of immediate family members in any City operation; shall refrain from using their influence as members of the governing body in attempts to secure contracts, zoning, or other favorable municipal action for friends, customers, clients, immediate family members, or business associates; and shall comply with all lawful actions, directives, and orders of duly constituted City officers as such may be issued in the normal and lawful discharge of the duties of these City officers.

The members of the Legislative Body shall conduct themselves so as to bring credit upon the City as a whole and so as to set an example of good ethical conduct for all citizens of the community. Members shall bear in mind at all times their responsibility to the entire electorate, shall refrain from actions benefiting special interest groups at the expense of the City as a whole, and shall do everything in their power to ensure equal and impartial law enforcement throughout the City at large without respect to race, sex, creed, color, disability, family status or the economic or the social position of individual citizens.

Section 42 Complaints

All complaints involving municipal policy shall be referred to the Mayor for appropriate recommendation or action.

Section 43 Suspension of the Rules

Any provision of these rules not governed by the City's Charter or Code may be temporarily suspended at any meeting of the Common Council by a majority of the voting members. The vote on any such suspension shall be taken by "yeas" and "nays" and entered upon the minutes.

Section 44 Amendment of Rules

These rules may be amended or new rules adopted by a majority vote of the voting members of the Common Council. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda under the order of new business. The requirement to delay a vote to a subsequent meeting may be waived only by unanimous consent, with a recorded vote of all voting members.