

RESOLUTION 2 OF 2023

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON
NEW YORK, RECOMMENDING APPROVAL FOR ADOPTING THE RULES
OF THE COUNCIL FOR THE YEAR 2023**

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:**

SECTION 1- That the Rules for the Council for the year 2023 are hereby adopted

SECTION 2- That this resolution shall take place immediately

Submitted to the Mayor this ____ day of
_____, 2023

Approved by the Mayor this ____ day of
_____, 2023

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2023

**COUNCIL RULES FOR GOVERNMENT OF
THE COMMON COUNCIL OF THE CITY OF
KINGSTON**

Adopted January 1, 1908,

Amended, Revised and

Continued January 1, 2023

RULE I

MEETINGS

1. The Common Council shall hold its regular monthly meeting on the first Tuesday of each month at 7:30 PM unless otherwise ordered by the Council President with the consent of the Majority and Minority Leaders. Other meetings may be designated by resolution of the Common Council or called pursuant to C13-2(A) ARTICLE XIII of the City Charter.
2. Virtual Participation is permitted for council members, subject to state law.
 - a. In order to virtually participate in a meeting, council members shall seek permission from the chair with at least 24 hours' notice. Permission needs to be requested through an email to the chair, the president of the council, and the city clerk. It must include the explanation, complying with state law, which states virtual participation is allowed for extraordinary circumstances such as illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting. If permission is not granted, the council member cannot be included in the vote unless they are physically present at the meeting.
 - b. Any council members participating virtually must remain on camera to ensure they are heard, seen, and identified while the meeting is being conducted, with the exception of executive sessions or attorney-client sessions;
 - c. The minutes of meetings involving videoconferencing must include which, if any, members participated remotely.
3. The latest time for filing all matters to be presented at a regular meeting of the Common Council shall be 11:00 AM on the Friday immediately prior to the meeting date.
4. All matters to be presented at a special meeting of the Common Council must be filed by 11:00 AM on the business day before the special meeting.
5. The City Clerk of the Common Council, with the consent of the Council President, may waive the deadlines as set forth in paragraphs 3 and 4 of RULE I.
6. The City Clerk, or the Clerk's designee, shall attend all meetings of the Common Council.

7. A quorum shall be present for all meetings. A quorum is defined as the majority of the members of the body.
8. In all cases of the absence of a quorum during the session of the Common Council the members present may take such measures as they deem necessary to secure the presence of a quorum, and may inflict such censure of penalty, as they may deem just, on those who, on being called on for that purpose, shall render no sufficient excuse for their absence.

RULE II

PRESIDING OFFICER

1. The presiding officer shall be addressed as Madam or Mr. President.
2. The presiding officer of the Common Council shall enforce the rules of conduct in chambers and through the city's virtual platform. In case of any disturbance, trespass, or disorderly conduct in the chamber or the virtual platform, the presiding officer shall have the power to order the expulsion of any person or persons creating such disturbances or trespass. The presiding officer shall exercise the right to mute any participants, whether in-person or virtual, who are not following the rules of conduct.
3. The Common Council may elect a temporary chairperson, who shall take the chair in the absence of the president.
4. The President may call any member to the chair for a part of the session and may from their seat in the Common Council, under any order of business present any motion, resolution, or report and speak to the merits of any pending question, but neither the President nor any member while presiding, shall speak to the merits of any pending question, nor present any motion, resolution, or report.

RULE III

MAJORITY/MINORITY LEADER

1. The Majority Leader shall be defined as the head of the largest majority party, either by a member's official party registration or if elected representing the majority party, of the Common Council. The Majority Leader is elected by the members of the Common Council of the majority party. The vote shall be held prior to the first Caucus meeting of each year.
2. The Minority Leader shall be defined as the head of the largest non-majority party, either by a member's official party registration or if elected representing a non-majority party, of the Common Council. The Minority Leader is elected by the members of the Common Council of the minority party or parties. The vote shall be held prior to the first Caucus meeting of each year.
3. With the unanimous consent of the majority party, the Majority Leader may deliver a State of the City Address following the Mayor's State of the City address at a regularly scheduled Common Council meeting.
4. With the unanimous consent of the minority party, the Minority Leader may deliver a State of the City address following the Mayor's State of the City address at a regularly

scheduled Common Council meeting.

RULE IV

COMMITTEES

1. The Common Council shall maintain the following Standing Committees, each comprised of five (5) members:
 - a. Finance & Audit
 - b. Laws & Rules
 - c. Community Development
 - d. Public Safety & General Government
2. All legislation requiring the expenditure of money shall be referred to the Committee on Finance & Audit to report.
 - a. Each favorable committee expenditure report must set forth an estimate of the total recommended expenditure along with details sufficient to establish a reasonable basis for the estimated costs.
 - b. The total sum appropriated by such legislation may not exceed the Finance & Audit Committee's reported estimate.
3. The Council President may appoint special committees as needed.
4. Members of the Standing and Special Committees shall serve at the pleasure of the Council President.
5. Members of the majority party in the Common Council shall be granted the majority of the committee assignments and shall control all committees.
6. Members of the minority party shall be represented on each committee.
7. Committee Reports
 - a. Each committee of the Common Council will be required to submit a detailed report to the Council President. The report will include: recommendations of the majority of the committee on proposed legislation; all matters discussed in committee including courses of action to be taken by the committee at a later date in time; the time, date, and place where the meeting was held; and should specify what committee members were present for the meeting.
 - b. All committees shall render proposed legislation to be considered by the entire Common Council, in accordance with paragraphs 3 and 4 in RULE I, and detailed committee reports must be submitted to the President of the Council within 30 days of the date the committee meeting was held.
 - c. Emergency legislation brought forward by committees is permitted with the consent of the Council President, the Majority Leader, and the Minority Leader. The Mayor may present proposed legislation at any time.
 - d. Committee reports shall not be read except upon request of a majority of the committee members so stated in the report, in which case they shall be read after the Communications as provided in the Order of Business as set forth in RULE VII.
 - e. The Office of the City Clerk shall maintain Committee Reports as public records.

8. Council Liaisons for Commissions/Boards - The Council President shall assign a Council Member to serve as liaison to all appropriate City Commissions and Boards. Their responsibility is to serve as a bridge between the two bodies. Each month the liaison may report any feedback to the Council President and the full Council.

RULE V

TRAINING

Council members shall participate in an annual anti-harassment and workplace violence prevention training and when completed, forward the documentation to the Director of Human Rights for the City of Kingston. Council members can obtain the training by attending a training session offered by the City of Kingston, by showing documentation of training accomplished through their employer, or through the online course offered by the City of Kingston.

RULE VI

PUBLIC HEARINGS

The following rules shall apply to a legally required public hearing held before the Common Council:

1. Speakers shall register in writing prior to the beginning of the hearing. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival if the Presiding Officer has not closed the hearing.

2. The Presiding Officer shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall provide their name and address for the record prior to their remarks
3. Speakers must limit their remarks to three (3) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker.
4. Speakers at a public hearing shall follow the Rules of Decorum as set forth in Rule VII.
5. The City Clerk shall include in the minutes of the hearing the name and address of each speaker, a summary of the remarks, and written statements submitted to the Common Council.

RULE VII

ORDER OF BUSINESS

1. The following order of business for a regularly scheduled or a special Common Council meeting shall not be set aside or suspended, except by a majority of all members of the Common Council in office.
 - a. Call to Order
 - b. Pledge of Allegiance
 - c. Moment of Silence
 - d. Roll Call
 - e. The presiding officer may call for a motion to dispense with the reading of the minutes of the last meeting. If the motion is adopted without objections or corrections, the presiding officer will declare those minutes approved.
 - f. The presiding officer may call for a motion to dispense with the reading of the general bills. If the motion is adopted without objections or corrections, the presiding officer will declare the general bills approved.
 - g. Public Speaking - The public shall be allowed to speak during this period of the meeting. Speakers shall address the presiding officer, and Common Council members shall not engage in debate during this period. The public comment period shall be limited to thirty (30) minutes unless, upon motion of any member, the time shall be extended by majority vote of the members present for an additional thirty (30) minutes. Speakers will be allotted three (3) minutes to address the Common Council and will be advised by the presiding officer when three minutes have expired. Speakers are requested to conclude their remarks at that time. Speakers may sign up by signing their name on the podium in Council Chambers. If a speaker wishes to speak through the virtual platform, they may sign up by emailing the City Clerk by 12:00 PM the day of the meeting. Speakers must provide their name and address for the record before addressing the Common Council. In lieu of oral testimony, members of the public may submit written testimony which will be distributed to each member by the Clerk of the Common Council. Speakers shall follow the rules of decorum as set forth in Rule VIII.

- h. The presentation of bills, claims and communications shall be filed by the presiding officer with the Clerk of the Council. Any member may call for a clarification or a reading of a communication if so desired.
- i. The presiding officer may call for a motion to dispense with the second reading of the general bills. If the motion is adopted without objections or corrections, the presiding officer will declare the general bills approved.
- j. Committee reports in order named in Rule IV.
- k. Motions and resolutions, the latter of which shall be in writing.
- l. Unfinished Business
- m. Adjournment

RULE VIII

RULES OF DECORUM

1. All persons attending a meeting, in-person or virtual, shall follow the rules of decorum:
 - a. To ensure that meetings of the Common Council are conducted in a way that allows the business of the City to be effectively undertaken.
 - b. To ensure that members of the public who attend meetings of the Common Council can be heard in a fair, impartial manner.
 - c. To ensure that meetings of the Common Council are conducted in a way that is open to all viewpoints and which is protective of the content of each speaker's speech and expression yet is free from hateful, abusive, obstructive, or intimidating behavior
 - d. To ban egregious, inappropriate, and obstructive behavior at meetings of the Common Council.
2. A member or members of the Police Department, as the Police Chief may designate, shall be Sergeant-at-Arms of the Common Council and shall carry out all orders given by the presiding officer for purposes of maintaining order and decorum at the Council meeting. Any member of the Common Council may move to require the presiding officer to enforce the rules upon an affirmative vote of a majority of the Common Council.
3. No person shall be permitted inside the railing on the floor of the Common Council Chambers other than members and ex-members of the Common Council, the heads of the several departments of the City government, and the reporters of the press, unless by written permission obtained from a member of the Common Council, and countersigned by the Council President, nor shall any such permission extend beyond the day for which it is given.
4. Rules for members of the Common Council:
 - a. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.
 - b. No members wishing to speak shall proceed until they have been recognized by the presiding officer. After such recognition, the member shall confine discussion

- to the item at hand and to its merits and shall not be interrupted except by a point of order raised by another member.
- c. Members shall address their remarks to the presiding officer and maintain a courteous tone.
 - d. Any member may speak on any resolution, motion, ordinance, or law on the printed agenda during the period of discussion following the introduction of the aforementioned items.
 - e. No member of the Common Council shall speak more than twice on any question nor shall any member speak for more than fifteen minutes at a time unless permission to do so shall have been granted by the presiding officer.
5. Rules for public speakers:
 - a. The speaker shall conduct themselves in a professional and respectful manner.
 - b. All remarks shall be directed to the presiding officer, and not members of the council, city staff, or any member of the public in attendance.
 - c. The speaker shall not defame, intimidate, make personal affronts, make threats of violence, or use profanity.
 6. Rules for members of the public in the audience:
 - a. Members of the public shall not shout, participate in unruly behavior, or speak out when not recognized by the presiding officer.
 - b. Members of the public shall not defame, intimidate, make personal affronts, make threats of violence, or use profanity.
 - c. Members of the public shall refrain from behavior that disrupts the orderly conduct of the meeting.
 7. No item shall be allowed in Council Chambers that can be deemed a weapon, including guns, knives, or sticks.
 8. The presiding officer shall be responsible for the enforcement of the rules of decorum.
 - a. Upon a violation of these rules of decorum, the presiding officer shall request the person(s) violating a rule(s) to cease the violation.
 - b. If a violation continues, the presiding officer warns the person(s) that they may be required to leave the Common Council Chambers if the violation continues.
 - c. If the person(s) does not cease the violation(s) the presiding officer shall declare the person(s) out of order at which time the Sergeant at Arms shall take steps to remove such person(s) from the meeting room. Said person(s) shall be subject to all civil and criminal penalties that may apply to their conduct.

RULE IX

MOTIONS & RESOLUTIONS

1. The following is a list of definitions to consider:
 - a. Question: the subject or motion under consideration;
 - b. Motion: a proposal made by a member for a group to take action;

- c. Resolution: a more formal type of motion, usually containing introductory clauses beginning with “Whereas” that give reasons for the action, and concluding with the clause “Now, therefore, be it resolved that...”
 - d. Postpone: a motion to postpone indefinitely kills the motion without actually voting against it; a motion to postpone to a definite time stops the consideration at the meeting underway and takes it up at a future time or meeting;
 - e. Lay on the table, commonly referred to as table: a motion enabling a body to put a motion aside while some other business is conducted;
 - f. Recess: a motion to take a short break;
 - g. Amendment: the content of a motion to change another motion; also the motion itself
2. Only the following motions, listed in order of precedence, will be received during Common Council debate on a pending motion:
 - a. 1st – For an adjournment of the Common Council
 - b. 2nd – For the previous question
 - c. 3rd – To lay on the table
 - d. 4th – To postpone indefinitely
 - e. 5th – To postpone to a certain time
 - f. 6th – To commit to a standing committee
 - g. 7th – To commit to a select committee
 - h. 8th – To amend
 3. All questions shall be put in the order they are moved.
 4. The Common Council may consider questions under the same order of business without debate.
 5. The Common Council may consider a motion to adjourn and to lay on the table without amendment or debate. Any motions to postpone or commit shall end further debate of the main question.
 6. Members of the Common Council may consider a motion to adjourn or to take a recess so long as the previous question has not been ordered, except that once such a motion has been put and lost, it cannot be renewed until after other business, such as the proposal of a new question, is addressed.
 7. The presiding officer, or the city clerk, shall state the motion or resolution before a vote is taken thereon.
 8. Every motion except the motions to adjourn, to lay on the table, to postpone the previous question, or commit, shall be reduced to writing if the presiding officer or any member desires it.
 9. Each motion stated by the presiding officer shall remain on the floor of the Common Council, unless withdrawn by the movant at any time prior to amendment or vote.
 10. If any question contains several distinct propositions they may be divided by the presiding officer at the request of any member, but a motion to strike out and insert shall be inadvisable.
 11. Any member of the Common Council can request a Point of Order to request clarification or to claim that a mistake has been made.

12. Resolutions or motions affecting the duties or powers delegated to any Department of City Government by statute shall not be in order.

RULE X

RECONSIDERATION OF MOTIONS OR RESOLUTIONS

1. A motion to reconsider a vote shall be in order when made during the same meeting as the initial vote or during the next regular Common Council meeting. Only members who voted in the majority on the initial motion may move to reconsider a vote except that a motion to reconsider, made for the sole purpose of correcting an error in any ordinance or resolution, shall be considered a privileged motion to any member, and shall always be in order.
2. A motion for reconsideration being put and lost shall not be renewed. The Common Council may only reconsider a subject or motion a second time upon unanimous consent.

RULE XI

RELATING TO THE PREVIOUS QUESTIONS

1. The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate.
2. When, on taking the previous question, the Council shall decide that the main question shall be considered and still remaining under debate; the main question shall be on passage of the motion, resolution, or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in the order; and if the previous question has been ordered.

RULE XII

DECIDING AND RECORDING THE VOTE

1. Unless otherwise provided by law, the number of votes required to pass a resolution of the Common Council shall be a majority of those members present at a meeting at which a quorum is present.
2. The ayes and nays shall be taken on any question whenever requested by either the Majority or Minority Leader for purposes of explaining the vote upon the final passage of a bill, and when so taken shall be entered on the minutes. Each council member shall have two minutes to explain and cast their vote.
3. That each member of the Common Council shall cast a vote on each item that comes to a vote unless they shall be excused from voting because of a conflict of interest. The conflict of interest needs to be stated, and the decision shall be solely decided by the

Council President. An abstention by a member shall constitute a non-vote upon the issue for which the abstention is requested.

4. The presiding officer may also call for a rising vote of the members of the Common Council whenever they are unable to decide the result of a vote taken via voice. In all cases where a motion, resolution, or other matter shall be entered on the minutes the name of the member shall also be entered on the minutes.
5. If a member of the Common Council is casting their vote through a virtual platform, they shall remain on camera during the vote. Their vote shall be cast as a thumbs up (aye) or thumbs down (nay).
6. No standing rule or order of the Common Council shall be changed, suspended, or rescinded except by the affirmative vote of at least two-thirds (2/3) of the members elected to the Common Council.

RULE XIII

ENFORCEMENT OF RULES

1. If any member in speaking, shall transgress the rules of the Common Council, the presiding officer or any members, may call to order, in which case the member so called to order shall immediately sit down, and shall not rise unless to explain or to proceed in order.
2. Whenever any person shall be brought before the bar of the Common Council for adjudged breach of its provisions, no debate shall be in order, but the Council President shall proceed to execute the judgment of the Common Council without delay or debate.

RULE XIV

MANUAL TO DECIDE

1. When any of the provisions of the foregoing rules are in question, it shall be referred to the Clerk's Manual governing the Assembly of the State of New York for final decision. And all questions arising, not herein provided for, shall be so referred and decided.

I, Elisa Tinti, City Clerk of the City of Kingston, New York, do hereby certify that the foregoing Council Rules for Government of the Common Council of the City of Kingston, New York, were duly adopted the 10th day of January, 2023.

Elisa Tinti

City Clerk

State of New York

County of Ulster

City of Kingston

