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Rules of Procedure

CITY OF FLINT CHARTER COMMISSION

Charter Commission CITY OF FLINT 1101 SOUTH SAGINAW ST FLINT MI 48502

Table of Contents

Guiding Principles for the City of Flint Charter Review Commission

Chapter I - General Provisions

Rule 1. Quorum and majority

Rule 2. Bar of the convention – defined

Chapter II – Officers and Employees

Rule 3. Officers of the Commission

The Chairperson

- Rule 4. Chairperson Presiding Officer
- Rule 5. Establish agenda
- Rule 6. Preserve order and decorum
- Rule 7. Appointment by the Chairperson
- Rule 8. Naming of Chairperson of the Committee of the Whole

Rule 9. Voting

Vice-Chairperson

Rule 10. Powers and Duties

Clerk

- Rule 11. Roll call
- Rule 12. Minutes of meetings
- Rule 13. Calendar of business
- Rule 14. Printing and care of commissioner proposals and committee reports
- Rule 15. Responsibility for meeting room
- Rule 16. Incapacity of Clerk

Employees

Rule 17. Appointments

Chapter III - Commissioners

- Rule 18. Conduct in debate
- Rule 19. Commissioners called to order
- Rule 20. Conduct on the floor
- Rule 21. Conflict of interest
- Rule 22. Vacancy of Commission seat

Chapter IV - Committees

- Rule 23. Establishment and meetings
- Rule 24. Sitting of committees during sessions of the Commission
- Rule 25. Power to incur expenses
- Rule 26. Notice of reports without recommendation

Chapter V – Committee of the Whole

- Rule 27. General orders of the day
- Rule 28. Consideration of proposals
- Rule 29. Debate and action on proposals
- Rule 30. Proposals reported by Committee of the Whole

- Rule 31. Reconsideration
- Rule 32. Application of commission rules
 - **Chapter VI Transaction of Business**
- Rule 33. Order of business
- Rule 34. Printing in minutes Journal
- Rule 35. Motions and resolutions stating motions
- Rule 36. Reduced to writing
- Rule 37. When in possession; withdrawal
- Rule 38. Precedence of motions
- Rule 39. Motion not debatable
- Rule 40. Order of putting questions
- Rule 41. Amendments to be germane
- Rule 42. Division of question
- Rule 43. Method of ordering
- Rule 44. Motion for reconsideration

Chapter VII - Proposals

- Rule 45. Introduction of proposals
- Rule 46. Order of consideration
- Rule 47. Vote on proposals
- Rule 48. Limitation on debate and control of dilatory procedure Chapter VIII - Miscellaneous
- Rule 49. Presentation and endorsement of petitions
- Rule 50 Reading of documents
- Rule 51. Calls of Commission yeas and nays
- Rule 52. Putting the question
- Rule 53. Recognition during roll call
- Rule 54. Roll call
- Rule 55. Presumption that all Commissioners will vote
- Rule 56. Amendment or suspension of rules
- Rule 57. Amendment to Rules of Procedure
- Rule 58. Appeals
- Rule 59. Debate on appeal
- Rule 60. Tabling appeals
- Rule 61. Rule of order
- **Rule 62.** Appropriations
- Rule 63. Determining compensation
- Rule 64. Limit to public statements

Guiding Principles for the City of Flint Charter Review Commission

The City of Flint Charter Review process will be open to all Flint citizens. The Commission will ensure that public voices are recognized and that information is open and accessible to the public. The Commission will go to where the people are and will reach out to residents and businesses from all wards. The Commission will seek to engage and educate the community on the City of Flint Charter and will consider all ideas heard in the community. (Adopted June 18, 2015)

Chapter I - General Provisions

Rule 1. Quorum and majority. A majority of the Commissioners shall constitute a quorum for the transaction of business. There being a quorum, a majority of Commissioners present shall be sufficient for the adoption of any motion or resolution or the taking of any action except where the affirmative votes of a greater number shall be required by these rules.

Rule 2. Bar of the convention - defined. Any Commissioner having answered roll call at the opening of any session, or having entered upon the floor of the Commission after roll call, shall thereafter be deemed present until leave of absence is obtained from the Chairperson. Any Commissioner present at any session shall continue to be present if he shall be within the bar of the Commission. The words "within the bar of the Commission" means the space occupied and used by the commission or any committee or other room attached thereto and used in connection with conducting the business of the Commission.

Chapter II - Officers and Employees

Rule 3. Officers of the Commission. The officers of the Commission shall be the Chairperson and the Vice-Chairperson each of whom shall serve for a term of one (1) year commencing on May 28, 2015. Both shall be ex-officio members of all committees. On or about May 28 of each year that the Charter Commission is in session, an election will be held to determine the officers of the Commission to serve the next one year term. The sitting officers shall remain eligible for the offices of Chairperson and Vice-Chairperson.

The Election will be conducted in the following manner: The Commissioner currently serving as the Chairperson shall call for nominations and the candidates will be voted on in the order they were nominated. Nominations do not require a second. Each Commissioner will vote for an individual Commissioner to be Chairperson. The City Clerk shall tally and record the vote. The Commissioner receiving a majority of votes will be elected as the Chairperson. Repeated rounds of voting on a rotating basis will continue until one Commissioner receives a vote of a majority of the Commissioners. Once the Chairperson is selected, the Commission will hold an election for the Vice-Chairperson. The election for Vice-Chairperson will be conducted in the same manner as the election for the Chairperson.

The Chairperson

Rule 4. Chairperson Presiding Officer. The Chairperson shall set the date, the hour and the location for the meetings of the Charter Review Commission. The Chairperson shall take the Chair each day at the hour to which the commission shall have adjourned or recessed. The Chair shall call the Commission to order and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

Rule 5. Establish Agenda. The Chairperson shall set the proposed agenda of the commission and send same to the City Clerk's office within forty-eight (48) hours in advance of the next scheduled meeting.

Rule 6. Preserve Order and Decorum. The Chairperson shall preserve order and decorum; may speak to points of order and shall decide questions of order, subject to an appeal of the Commission. When two or more Commissioners seek recognition at the same time for purposes of debate, the Chairperson shall recognize the Commissioner who is to speak first.

Rule 7. Appointment by the Chairperson. The Chairperson shall nominate for Commission approval the membership of all committees except where the Commission shall otherwise order. All appointments shall be announced to the Commission and entered in the minutes.

Rule 8. Naming of Chairperson of the Committee of the Whole. When the Chairperson schedules a meeting of Committee of the Whole, the Chairperson shall name a Commissioner to preside therein.

Rule 9. Voting. The Chairperson may vote in all elections, on all divisions called for by any Commissioner and on all questions taken by yeas and nays, except on appeals from their decisions.

Vice-Chairperson

Rule 10. Powers and Duties. In the temporary absence of the Chairperson or his temporary inability to preside, the Vice-Chairperson shall exercise the powers and perform the duties of the Chairperson and shall preside over the Commission. In the temporary absence of the Chairperson and the Vice-Chairperson or their temporary inability to preside, the Commissioners present at the meeting shall select a Commissioner to preside over the Commission.

Clerk

Rule 11. Roll Call. The Clerk shall call the roll at the opening of each session of the Commission and announce whether or not a quorum is present as set forth in Rule 1.

Rule 12. Minutes of Meetings. The Clerk or secretary shall keep minutes of the proceedings of the Commission in conformity with the rules and shall make such corrections as may be necessary. The Clerk shall furnish each Commissioner with a copy of the minutes of the previous meeting as well as making them available to the public as required.

Rule 13. Calendar of Business. The Clerk or secretary shall furnish each commissioner with a calendar of the business for each meeting.

Rule 14. Printing and Care of Commissioner Proposals and Committee Reports.

The Clerk shall attend to the typing and copying of all Commissioner proposals, committee reports, resolutions and documents ordered written by the Commission. The Clerk shall give to each Commissioner proposal a number when introduced, and the numbers shall be in numerical order. When proposals are reported by the Committee of the Whole, they shall be called committee reports, shall be typed and copied and shall be numbered in numerical order. The Clerk shall cause to be typed at the head of each committee report the character thereof and the number of any report of the committee reporting the proposal. The Clerk shall be responsible to the Commission for the care and preservation of all proposals. Committee reports shall be kept on file in numerical order and such file shall be called the General Orders of the Day.

Rule 15. Responsibility for Meeting Room. The Clerk shall exercise supervisory care and control of the meeting room of the Commission, arrange for meeting rooms not located at City Hall and all other rooms and equipment. The Clerk shall purchase or rent all necessary equipment, supplies, and postage and arrange for postal, telephone, and telegraph service.

Rule 16. Incapacity of Clerk. In case of the temporary inability of the Clerk, from sickness or other cause, to perform the duties, the Clerk's Office shall appoint an assistant Clerk who shall act as Clerk until the Clerk is able to assume her duties.

Employees.

Rule 17. Appointments. The Commission by resolution shall authorize professional services agreements with lawyers and consultants and the employment of necessary personnel and provide fee rates and salary scales.

Chapter III - Commissioners

Rule 18. Conduct in Debate. When any Commissioner is about to speak in debate or present any matter to the commission, they shall respectfully address themselves as "Madam/Mr. Chairperson;" they shall not speak until recognized and when recognized they shall confine themselves to the debate question, and avoid personality attacks.

Rule 19. Commissioners Called to Order. If any Commissioner while speaking transgresses the rules of the Commission, the Chairperson shall, or any of the Commissioners may, call a Commissioner to order; in which case the Commissioner so called to order shall refrain from further debate.

Rule 20. Conduct on the Floor. While the Chairperson is putting any question, or while the roll is being called or taken by the Clerk, no Commissioner shall walk out of the meeting; nor in such case when a Commissioner is speaking, shall any Commissioner entertain private discourses or pass between the speaker and the Chair.

Rule 21. Conflict of Interest. A Commissioner who has a direct interest in any matter before the Commission shall disclose his or her interest prior to the Commission taking any action with respect to the matter, the disclosure shall become a part of the record of the Commission's official proceedings, and the Commissioner with the

conflict of interest shall abstain from voting in the Commission's proceedings related to the matter.

Rule 22. Vacancy of Commission Seat. In the event that a Commissioner's seat becomes vacant, such vacancy will be filled within forty five (45) days. The Rules Committee will use the following process to fill the vacancy: Notice will be published that the Commission will receive applications for the vacant seat from City of Flint residents. No City officer or employee shall be eligible for a place on the Commission. Applications will be received by the Rules Committee for fifteen (15) days following the posting of the vacancy. The Rules Committee will select up to five (5) candidates to be interviewed, which will be conducted by all Commissioners at a meeting of the Commission. The Commission will then hold a vote on the question of which applicant should be appointed as a replacement Commissioner. Such voting will take place in the same manner as that set forth in Rule 3 and the applicant who receives a majority vote of the Commission will be appointed to fill the vacancy.

Chapter IV - Committees

Rule 23. Establishment and Meetings. Committees of the Commission and their functions and membership shall be provided by resolution of the Commission adopted by a majority of the Commissioners.

Committees shall meet at the call of the Chairperson or upon written request of a majority of the members. A recorded roll call vote on any matter before a committee shall be taken on demand by any member of the committee. Each committee shall maintain minutes of all of its proceedings and a calendar, which shall be available to the public.

Rule 24. Sitting of Committees during Sessions of the Commission. No committee shall sit during the sessions of the Commission without special leave of the Commission, by a majority vote of those present and voting.

Rule 25. Power to Incur Expenses. No committee or Commissioner shall incur any expenses, chargeable to the Commission unless authorized by resolution of the commission.

Rule 26. Notice of Reports without Recommendation. All committees before reporting without recommendation on any proposal shall notify Commissioners who have introduced proposals on the same subject matter when and where they may meet such committee to explain the same before the committee reports: such notice to be given by mail or in person 24 hours before so reporting.

Chapter V - Committee of the Whole

Rule 27. General Orders of the Day. All proposals made by a Commissioner shall be referred to the Committee of the Whole and kept in the file called General Orders of the Day. No Commissioner's proposal shall be considered by the Committee of the Whole until the third day following the day of its reference to the Committee of the Whole.

Rule 28. Consideration of Proposals. The Chairperson of the Commission shall

schedule any meetings of the Committee of the Whole. Unless a particular proposal is ordered up, the Committee of the Whole shall consider, act upon, or pass over all matters on the general orders according to the order of their reference. General orders and resolutions to incur expenses shall be the only matters of business which shall be in order in the Committee of the Whole.

Rule 29. Debate and Action on Proposals. In the Committee of the Whole, proposals shall first be read then discussed, debated, and acted upon. Reporting a proposal to the full Commission requires a majority vote of Commissioners present. All proposals on First Reading of Proposals reported by Committee of the Whole shall be placed on the agenda of the next Commission meeting under the order of Second Reading of Proposals. All proposals on Second Reading of Proposals reported by the Committee of the Whole shall be placed on the agenda of the next Commission meeting of Proposals reported by the Committee of the Whole shall be placed on the agenda of the next Commission meeting under the next Commission meeting under the order of the Whole shall be placed on the agenda of the next Commission meeting under the order of the Whole shall be placed on the agenda of the next Commission meeting under the order of the Whole shall be placed on the agenda of the next Commission meeting under the order of the Whole shall be placed on the agenda of the next Commission meeting under the order of the Whole shall be placed on the agenda of the next Commission meeting under the order of Third Reading of Proposals.

Rule 30. Proposals reported by Committee of the Whole. All proposals, with any amendments, reported by the Committee of the Whole shall be printed in full with the agenda and posted online by the clerk and through any other channels deemed appropriate by the commission.

Rule 31. Reconsideration. A motion to reconsider shall be in order in the Committee of the Whole by a majority vote of those present and voting.

Rule 32. Application of Commission Rules. The Procedure Rules of the Charter Commission shall be observed in the Committee of the Whole, so far as they may be applicable, except that the previous question shall not be ordered, the yeas and nays shall not be called, the vote of a majority of the committee shall govern its action, and it cannot refer matters to any other committee. A Commissioner may speak more than once in the Committee of the Whole. A journal of the proceedings in Committee of the Whole shall be kept as in Commission. When the Committee of the Whole reports to the Commission, the actions of the Committee of the Whole shall be accepted.

Chapter VI - Transaction of Business

Rule 33. Order of Business. The order of business of the Commission shall be as follows:

- 1. Call to Order
- 2. Invocation
- 3. Roll Call
- 4. Review and Approval of Minutes
- 5. Public Comment on Charter Issues
- 6. Reports of Committees
- 7. General Communications
 - a. Written Correspondence
 - b. Receipt of Petitions
- 8. Introductions/First Reading of Proposals
- 9. Second Reading of Proposals

- a. Public Comment on Second Reading
- 9. Motions and Resolutions
- 10. Third Reading of Proposals
 - a. Public Comment on Third Reading
 - b. Final Discussion
 - d. Final Vote
- 11. Unfinished Business
- 12. New Business

13. Adjournment

Rule 34. Printing in Minutes Journal. No memorial, remonstrance, or petition shall be read or written in full in the minute's journal unless ordered read or written by a majority vote of those present.

Rule 35. Motions and Resolutions Stating Motions. When a motion is made, it shall be stated by the Chairperson; or, if in writing, it shall be handed to and read aloud by the Clerk before being debated.

Rule 36. Reduced to Writing. Any motion shall be reduced to writing if the Chairperson or any Commissioner shall request it. Every motion shall be entered upon the journal, together with the name of the Commissioner making it, unless withdrawn by the maker or ruled out of order by the Chairperson.

Rule 37. When in Possession; Withdrawal. After a motion has been stated by the Chairperson or read by the Clerk, it shall be deemed to be in the possession of the Commission, but may be withdrawn at any time before being amended or put to a vote.

Rule 38. Precedence of Motions. When a question is under debate, no motion shall be received but --

- 1. To fix the time to which to adjourn.
- 2. To adjourn.
- 3. To take a recess.
- 4. To reconsider.
- 5. To lay on the table.
- 6. To limit debate.
- 7. For the previous question.
- 8. To postpone to a day certain.
- 9. To recommit.
- 10. To amend.
- 11. To postpone indefinitely.

Such motions shall take precedence in the order in which they stand arranged, and shall be decided by a majority vote of those present and voting, except the motion to postpone indefinitely, which shall be decided by a majority vote of the Commissioners elected. When a recess is taken during the pendency of any question, the consideration of such question shall be resumed upon reassembling unless otherwise determined. No motion to postpone to a day certain, or to recommit, being decided, shall be again allowed on the same day and at the same stage of the question. Whenever a proposal

is up for consideration at any stage in the procedure, and a motion is made to postpone indefinitely, or to recommit, amendments to the proposal shall be in order before taking a vote on any such motion.

Rule 39. Motion not Debatable. A motion to adjourn shall always be in order except when a motion to fix the time to which to adjourn is pending. A motion to adjourn, a motion to lay on the table, and all matters relating to questions of order, shall be decided without debate. A motion for a recess, pending the consideration of other business, shall not be debatable.

Rule 40. Order of Putting Questions. All questions shall be put in the order they were moved, except in the case of privileged questions.

Rule 41. Amendments to be Germane. No motion or proposition on a subject different from that under consideration shall be admitted under cover of an amendment or substitute.

Rule 42. Division of Question. Any Commissioner may call for a division of the question, which shall be divided if it comprehends propositions in substance so distinct that one being taken away a substantive proposition shall remain for the decision of the commission. A motion to strike out and insert shall be deemed indivisible.

Rule 43. Method of Ordering. The method of ordering the previous questions shall be as follows: Any Commissioner may move the previous question and unless otherwise stated the motion shall apply to the pending question only. This being seconded by at least one Commissioner, the Chair shall put the question. "Shall the main question now be put?" This shall be ordered only by a majority of the Commissioners present and voting. After the seconding of the previous question and prior to ordering the same, a call of the Commission may be moved and ordered, but after ordering the previous question nothing shall be in order prior to the decision of the pending question or questions, except demands for the yeas and nays, points of order, appeals from the decision of the Chair, and a motion to adjourn or to take a recess, which shall be decided without debate. The effect of the previous questions shall be to put an end to all debate and bring the Commission to a direct vote upon the pending question or guestions in their order down to and including the main guestion: Provided, however, that when the previous question shall be ordered, amendments then on the Clerk's desk shall be disposed of without debate. When a motion to reconsider is taken under the previous question and is decided in the affirmative, the previous question shall have no operation upon the question to be reconsidered. If the Commission shall refuse to order the previous question, the consideration on the subject shall be resumed as though no motion for the previous question had been made.

Rule 44. Motion for Reconsideration. Any Commissioner may move for a reconsideration of any question at the same or next succeeding session of the Commission or the Committee of the Whole may move for reconsideration on any subsequent day if one days' notice of its intention to do so is given in writing to the Clerk, which shall be spread upon the journal. A motion to reconsider shall take precedence over all other questions, except a motion to fix the time to which to adjourn,

a motion to adjourn and a motion to recess. No motion to reconsider shall be renewed on the same day.

Chapter VII - Proposals

Rule 45. Introduction of Proposals. All matters intended to become a part of the revised Charter shall be introduced by a Commissioner in the form of a proposal and endorsed by the Commissioner introducing them. One copy of any proposal shall be handed to the Clerk no later than three hours prior to calling the commission to order. All proposals shall be introduced in accordance with the form prescribed by the Clerk. Proposals shall be copied and distributed under the direction of the Clerk.

Rule 46. Order of Consideration. The regular order to be taken by proposals introduced in the commission shall be as follows:

- 1. Introduction, first reading by title, referred to the Committee of the Whole by the Chairperson, and ordered written and distributed.
- 2. Consideration in Committee of the Whole in order of reference.
- 3. Report by the Committee of the Whole.
- 4. Second reading and public comment at Commission meeting.
- 5. Reference to the Committee of the Whole for further consideration.
- 6. Report by the Committee of the Whole.
- 7. Third reading and public comment at Commission meeting.
- 8. Passage of proposal to be included in tentative proposed charter.
- 9. Vote to refer tentative proposed charter to committee on style and drafting.
- 10. Report of tentative proposed charter from committee of style and drafting and public comment.
- 11. Final passage of complete tentative proposed charter.

Rule 47. Vote on Proposals. On the passage of every proposal, section, article and any complete revision of or amendment to the Charter, the vote shall be taken by yeas and nays, and entered on the minutes journal, and no proposal, section, article or any such amendment or complete revision shall be declared passed unless two-thirds (2/3) of all elected Commissioners shall have voted in favor of the passage of the same.

Rule 48. Limitation on Debate and Control of Dilatory Procedure. The Commission by resolution may limit the time of debate on any subject matter before the Commission, designate a method of allocating the period allowed for debate among Commissioners, and take appropriate action to control dilatory procedure.

Chapter VIII - Miscellaneous

Rule 49. Presentation and Endorsement of Petitions. Petitions received by any Officer of the Commission or by any Commissioner may be initialed by the recipient, and by him handed directly to the Clerk. The Clerk, on behalf of the Commission, shall give appropriate notice of the receipt of the petition.

Rule 50. Reading of Documents. When the reading of a written report, correspondence, memorandum, or other document related to Charter Commission

business, is called for and an objection is raised to such reading, the Commission by a majority vote of Commissioners present and voting shall determine without debate whether or not it shall be read.

Rule 51. Calls of Commission - Yeas and Nays. Any question put to the Commission that is procedural shall be decided by a voice vote of yes and no. All resolutions or Charter Proposals put to the Commission at third reading shall be voted upon by call of the roll. Upon Calls of the Commission, and in taking the yeas and nays upon any question, the names of the Commissioners shall be called alphabetically on a rotating basis.

Rule 52. Putting the Question. The Chairperson shall distinctly put all questions in this form: "As many as are in favor of (as the question may be), say 'aye' and after the affirmative vote is expressed, "as many as are opposed, say 'no'." If the Chairperson doubts, he may order a division of the Commission. A division of the Commission may be had on the demand of one Commissioner, or a roll call on the Commission may be demanded by a vote of one Commissioner present on any pending question. When a division of the commission is ordered, a rising vote shall be taken and the Chairperson shall declare the result. On a tie vote the question shall be deemed lost.

Rule 53. Recognition during Roll Call. After a question has been stated by the Chairperson, and the call of the roll has been started by the Clerk, the Chairperson shall not recognize a Commissioner for any purpose, except upon points of order, until after the announcement of the vote by the Clerk. The Clerk shall enter upon the journal the names of those voting "aye" and the names of those voting "no". Any Commissioner is privileged to explain in writing his vote on record roll call votes. The written explanation shall be included in the journal if presented to the Clerk before the next session of the Commission.

Rule 54. Roll Call. At the roll call at the opening of each session and upon Calls of the Commission, the names of the members shall be called by the Clerk, and the absentees noted.

Rule 55. Presumption that all Commissioners will Vote. Whenever the Commission shall hold a vote, all Commissioners shall be required to vote either "aye" or "no". It is presumed that all Commissioners shall vote on every matter before the Commission, unless the Commissioner has a conflict of interest precluding their vote, as set forth in Rule 21.

Rule 56. Amendment or Suspension of Rules. The Procedure Rules of the Commission may be amended by a two-thirds (2/3) vote of all Commissioners elected, but no rules shall be amended unless such amendment is in writing, has been considered by the Rules Committee and is in the possession of the Commission two (2) days prior to its consideration. A rule may be suspended by a vote of three-fourths (3/4) majority of the Commissioners.

Rule 57. Amendment of Rules; Process. Amendments to the Procedure Rules of the

Commission shall be proposed and adopted in the following manner: A Commissioner shall propose an amendment during meetings of the Commission or Committee of the Whole. Upon majority vote of those Commissioners present and voting, the amendment will be referred by the Chairperson to the Rules Committee. The Rules Committee will review and if necessary reduce the proposed amendment to writing. After any necessary changes, the Rules Committee will present the proposed amendment at the next meeting of the Commission. All Commissioners will have the opportunity to propose additional modifications to the proposed amendment, which if approved after majority vote of those Commissioners present and voting, will be referred to the Rules Committee. Such process will repeat until a final draft is approved by the Commission as set forth in Rule 53.

Rule 58. Appeals On all appeals from decisions of the Chair, the question shall be "Shall the judgment of the Chair stand as the judgment of the Commission?" which question shall be decided by a majority vote of those present and voting.

Rule 59. Debate on Appeal. No Commissioner shall speak on the question for an appeal more than once without agreement of the Commission by a majority vote of those present and voting.

Rule 60. Tabling Appeals. An appeal may be laid on the table but shall not carry with it the subject matter before the commission at the time such appeal is taken.

Rule 61. Rule of Order. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with these rules and any special rules or order the Commission may adopt.

Rule 62. Appropriations. No motion or resolution calling for an appropriation or expenditure of money shall be acted upon by the Commission without first having been referred to some appropriate committee for consideration and recommendation.

Rule 63. Determining Compensation. For the purpose of determining its compensation, the term "day" shall mean a period of time from midnight to midnight during which a public meeting of the commission is held at which a quorum is present.

Rule 64. Limit to Public Statements. During the proceedings of any meeting of the commission, public statements by individual citizens or representatives of interested groups of the community shall be limited to an amount of time as the chair deems appropriate and announced at the beginning to the public comment period unless an additional period of time shall be allowed by a vote of a majority of the Commissioners.