



CITY OF WEST WENDOVER

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WEST WENDOVER CITY COUNCIL MINUTES OF THE REGULAR MEETING OF SEPTEMBER 7, 2010

The West Wendover City Council met for a regular meeting on September 7, 2010. The meeting was held at the West Wendover City Hall, Council Chambers #137. Mayor Andersen presided.

Council Members Present: Bryant Blake, Roy Briggs, Emily Carter, Johnny Gorum and Alan Rowley II

Others Present: Scott Weyland, Tamera Weyland, Mike Crawford, Kris Andersen, Sue Grenz, Dixie Melville, Sandy Kelsey, Kelly Kelsey, Gary Lewis, Danny Kim, Ismael Gutierrez, Ron Supp, Sondra Schmidt, Tia Rowley, Lisa Supp, Bryce Kimber, Aleta Kimber, Heidi Lewis, Jeff Knudtson, Jared Carter, Chris Melville and Anna Bartlome

The following proceedings were had.

- 1. CALL TO ORDER AND ROLL CALL**
Mayor Andersen called the meeting to order at 7:00 p.m. All those present and excused are noted above.
- 2. PLEDGE OF ALLEGIANCE**
Mayor Andersen led those present in the Pledge of Allegiance.
- 3. COMMENTS FROM THE GENERAL PUBLIC:**
Mayor Mike Crawford, City of Wendover Utah, gave an update on the upcoming Air Show, which is Saturday, September 25, 2010. Mayor Crawford thanked the City for the donation to the Air Show; others that donated included the 1% Committee and Fronteer Gold. Mayor Crawford stated that there was a billboard up along I-15 around the I-80 corridor to help promote the event, numerous trophies to be given out for the car show, and advertisements in the newspapers. Anyone interested in volunteering for the event should contact either Mike Crawford or Jim Petersen.
- 4. *APPROVAL OF THE MINUTES:**
Council Member Gorum made the motion to approve the minutes of the regular meeting of August 17, 2010 and the special meeting of August 26, 2010. The motion was seconded by Council Member Carter and passed unanimously.
- 5. PRESENTATION**
Mayor Andersen stated that the presentation was for Danny Kim for the work he did in regard to the Storm Ready Program with the National Weather Service. Mayor Andersen read a statement from Michael Fitzsimmons, National Weather Service, which stated: *"Danny Kim is a great individual and has been a pleasure to work with through the entire Storm Ready process. Danny's dedication and enthusiasm is a credit to the City of West Wendover and reflects the high quality of the City's management team."* A plaque was presented to Danny Kim by Mayor Andersen and Fire Chief Jeff Knudtson.

The plaque read as follows:

NOAA National Weather Service Elko WFO
Outstanding Achievement Award
Presented to Danny Kim
July 15, 2010

For Exceptional Support in Achieving West Wendover Storm Ready Certification

6. CONSENT CALENDAR

***a. Discussion and Decision to Adopt Resolution #2010-22, A Resolution Establishing the Rules, Procedures and Conduct Related to City Council Meetings and the Enforcement Thereof, with an Effective Date of September 9, 2010 and Other Matters Appropriately Related Thereto**

Chris Melville explained that the resolution is being provided with the rules and procedures (see attached), which includes items as previously discussed. Council Member Blake made the motion to adopt Resolution #2010-22, a resolution establishing the rules, procedures and conduct related to City Council meetings and the enforcement thereof, with an effective date of September 9, 2010. The motion was seconded by Council Member Rowley II and passed unanimously.

7. NEW BUSINESS

***a. Discussion and Decision to Authorize the City Attorney to Proceed with the Issuance of a Ten Day Letter of Demand to the High Desert Advocate for Payment in Regards to the Awarded Court Costs in the Case of Copelan, et al v. Thaut, et al. and Further to Authorize the City Attorney to Seek a Writ of Execution from the Federal District Court if Payment is Not Made per the Demand Letter**

Council Member Carter explained that this issue was in regards to the summary judgment that was awarded to the City in the amount of \$3,537.58 for a lawsuit filed by the Copelans against the City. The Copelans attorney received the courts judgment on September 9, 2008, the bill of costs was sent October 28, 2008, with a letter sent by the City's attorney on December 17, 2008. Council Member Carter stated that the Copelans attorney is requesting that we table the motion so that payment arrangements can be made with them. Council Member Carter recommended proceeding forward with the ten day letter of demand followed by the Writ of Execution if the payment is not made. Mayor Andersen asked if anyone wanted to work out a payment plan with the Copelans. Council Member Blake stated that the Copelans could have come in the last year and a half to try to work out a payment plan but they waited until the last minute and then want to work out a payment plan. Council Member Blake made the motion to authorize the City Attorney to proceed with the issuance of a ten day letter of demand to the High Desert Advocate for payment in regards to the awarded court costs in the case of Copelan, et al v. Thaut, et al. and further to authorize the City Attorney to seek a Writ of Execution from the Federal District Court if payment is not made per the demand letter. The motion was seconded by Council Member Briggs and passed unanimously.

***b. Discussion and Decision to Approve a Limited Extension of Time, in order to Provide an Adequate Construction Period for Completion of Facilities, per Paragraph 1(B) of the Agreement to Install Improvements and Performance Guarantee Bond(s) Required Between the City of West Wendover and Peppermill Casinos, Inc., Dated March 3, 2008 for the Construction of Softball Fields and Related Facilities and Other Matters Appropriately Related Thereto**

Chris Melville explained that a copy of the contract between the Peppermill Casinos, Inc. and the new contractor has been provided, which included a date of substantial completion of November 1st. Chris suggested a date of November 15th to provide a buffer in case of a delay the project would not have to be brought back before the Council. Gary Lewis stated that the project should be completed before November 15th. Council Member Gorum was excited about the project and suggested a November 30th completion date. Council Member Gorum declared that he works for the Peppermill Corporation but would not personally benefit from

this item. Council Member Carter declared that she works for the Peppermill Corporation but would not personally benefit from this item. Council Member Briggs declared that he works for the Peppermill Corporation but would not personally benefit from this item. Council Member Rowley II declared that he works for the Peppermill Corporation but would not personally benefit from this item. Council Member Briggs made the motion to approve a limited extension of time, in order to provide an adequate construction for completion of facilities, per paragraph 1(B) of the agreement to install improvements and performance bond(s) required between the City of West Wendover and Peppermill Casinos, Inc. dated March 3, 2008 for the construction of softball fields and related facilities with an extension of November 30, 2010. The motion was seconded by Council Member Gorum and passed unanimously.

***c. Discussion and Decision to Possibly Reject All the Bids for the Nevada Office of Energy EECBG City Hall Solar Photovoltaic Project and Other Matters Appropriately Related Thereto**

Chris Melville explained that the letter of commitment had been received from Intermountain Wind & Solar regarding their licensing and they will be providing biweekly updates. Council Member Gorum made the motion to take no action on possibly rejecting all the bids for the Nevada Office of Energy EECBG City Hall Solar Photovoltaic Project. The motion was seconded by Council Member Briggs and passed unanimously.

***d. Discussion and Decision to Authorize Staff to Proceed with Drafting of an Ordinance in Relation to N.R.S. 281 (Whistleblower Protection Statute) and such Ordinance and Procedures to be Incorporated into the Updated City Employee Personnel Policy**

Chris Melville explained that the City policies are being redone and this statute requirement would be incorporated into the new personnel policies. Chris explained that with authorization staff would then proceed with drafting of a new ordinance, which would layout the process that we follow under the State law and would then be incorporated into the policies that are being worked on. Once completed the new policies would be presented to the Council as well as given to both of the unions with adoption of new policies following three to four weeks later. Council Member Blake made the motion to authorize staff to proceed with drafting of an ordinance in relation to N.R.S. 281 (Whistleblower Protection Statute) and such ordinance and procedures to be incorporated into the updated City Employee Personnel Policy. The motion was seconded by Council Member Carter and passed unanimously.

8. DEPARTMENT UPDATES

Fire Chief – Jeff Knudtson had nothing to add to memo, which stated that he would be going before the Elko County Commissioners on September 8th and 22nd for different phases of the 2010 and 2011 DOE grant cycles. The memo further stated that he is waiting to see if there will be ARRA grant money available for a match of the DOE base funding for the turnout gear.

The department responded to the following incidents from January 1, 2010 to September 1, 2010.

Fires	16
Overpressure rupture, explosion, overheat – no fire	1
Rescue and Emergency Medical Service	155
Hazardous Condition – No Fire	6
Service Call	109
Good Intent Call	26
False Alarm and False Call	9
Severe Weather and Natural Disaster	0
Special Incident Type	36

Police Chief – Ron Supp had nothing to add to memo, which stated that the department is in the process of starting the Reserve Police Officer Program and has received several applicants

for the program. Interviews are being set for the Domestic Violence Advocate position and hope that the position is filled soon. The Nevada Legislature approved changes to the NAC regarding what is involved in a background check for a police officer. The change that affects us the most is a new requirement that requires a psychological evaluation of all newly hired police officers. Ron stated that he is waiting to hear from POST on what exactly that means as the new NAC does not clarify what constitutes a psychological exam.

The department responded to the following for the month of August.

	August
Calls for Service	649
Adult Arrests	13
Warrants Served	7
Juvenile Arrests	2
Citations Issued	80
Transports	14
Field Interviews	0
Civil Papers Served	31

City Clerk/Records Officer – Anna Bartlome had nothing to add to memo, which stated that during the past quarter all City business had been re-licensed. This process starts in May when the business license list is sent to the Department of Taxation for review. The businesses are then sent a letter with renewal form or notified that they must contact the Department of Taxation for a clearance. Once renewals received new licenses are then typed up and sent to them. Also some of the boxes in storage have been moved to either the upstairs filing system or put in permanent filing in the basement area. This is and will be a very long project due to the amount of boxes in storage.

Chief Financial Officer – Sondra Schmidt had nothing to add to memo, which stated that the Finance Department has been running shorthanded with an employee out on maternity leave. Due to the cross training that had been done the department has able to keep up with the daily and monthly job duties. The annual audit is scheduled for the week of September 20th by Hansen, Barnett & Maxwell. The memo further stated that a local newspaper reported that the City in the month of July had overspent revenues by \$100,000.00; this is not an accurate analysis of the financial position of the City. The two major revenues are property tax and consolidated taxes. Consolidated taxes for each month are not received until two months after that month has closed. Property taxes are not received until three months after the start of the fiscal year. The memo further stated that the City’s finances were reviewed by looking at the actual versus budget and where we are at in the year and Sondra did not see anything that would raise a red flag.

Public Works Director – Bryce Kimber had nothing to add to memo, which stated that the past month has been the month for water leaks. There had been two leaks in Santiago Estates, two leaks on Tibbets Boulevard, one leak on the line that went to the former Police Department and another leak in Wendover Mobile Home Park. There was a leak on the reuse line down by the Reuse Plant. Two submersible pumps at the Utah lift station as well as the valve that stops the wastewater from running back into the lift station. A new check valve has been installed and the pumps are being rebuilt and will then be installed. The Public Works crew has finished leading the sheet rock joints and finished painting the x-ray room at the clinic. The crew did some work on doors that were not functioning properly at the Library. The garbage department has been busy for the last month due to the extra containers at the Salt Flats as well as Ibapah. The final process is now taking place for receiving grant funds from USDA for a garbage truck. Due to complaints from residents in Santiago Estates regarding the ore trucks using engine brakes along Airport Way, which is not allowed per their contract, new signs have been installed stating no engine brakes. Due to all the water leaks the pavement will be patched toward the middle or end of the month. The new meter, check valve and new gate valve on the Utah waterline have been installed and that project is now complete. The three standby generators in the well field received a good test this last

month when the power to the well field was out for a constant 24 hours. The generators seemed to function properly.

City Manager – Chris Melville reviewed his memo, which included an update on the HRSA grant, which is for \$306,900.00 for upgrades to the medical clinic. The new Public Works building the Finding of No Significant Impact (FONSI) was approved and signed. Chris explained that the Hill AFB Real Estate Office would be issuing a new lease; once the lease is executed the project will then go out to bid. The memo further stated that he is currently waiting for a notice to proceed from NDOT regarding the Wendover Boulevard Enhancement Phase I project. There will be a class on September 8th at 5:30 p.m. regarding the bid process for the residential lot sale. The bid deadline and opening is September 21st. As part of the FAA grant for Air Service Study an online survey is available on the City website which is in addition to the telephone and in person surveys that have already started. The memo further stated that Chris has been asked to make a presentation to the Nevada Flood Plain Managers Conference in November at Carson City.

9. COMMUNICATIONS

Council Member Gorum state that the AFSCME Local 4041 would be hosting two candidate nights, one would be on September 15th at 7 p.m. and the other on October 13th at 7 p.m. Ross Eardley would be moderating the events. The AFSCME Local 4041 would be providing flyers for the event.

Council Member Carter asked that the Mayor retract his statement to the High Desert Advocate regarding the City overspending the budget by \$100,000.00 for the month of July. Mayor Andersen stated that he did not say that and would be talking to Howard Copelan about what he did say. Mayor Andersen stated that he said the spending put us down for the month but may not be the same next month. Council Member Carter stated that it should be explained when the revenues are received versus when the expenditures are done.

Council Member Briggs stated that he is very happy to see Mike Crawford back after his recent health scare. Council Member Briggs stated that there was a very nice article in Ruralite on Jim Petersen.

Council Member Blake congratulated Danny Kim for his work with the National Weather Service. Council Member Blake thanked the Department Heads for their updates it helps keep the Council informed.

Council Member Rowley II stated that the Mayor should issue a public apology for his actions at the High School. Mayor Andersen stated that he would not issue an apology and only one side of the story has been heard.

10. *APPROVAL OF THE CLAIMS:

Council Member Gorum made the motion to approve the claims of September 7, 2010 and August hand checks. The motion was seconded by Council Member Carter and passed unanimously.

11. *NEXT MEETING DATE AND ADJOURNMENT

The next meeting date is September 21, 2010 with a special meeting at 5:30 p.m. and a regular meeting at 7:00 p.m. Both meetings will be held at the West Wendover City Hall, Council Chambers #137. Council Member Carter made the motion to adjourn at 7:30 p.m. The motion was seconded by Council Member Briggs and passed unanimously.

ATTEST:

Anna E. Bartlome
City Clerk/Records Officer

**CITY OF WEST WENDOVER
CITY COUNCIL MEETING
DECORUM RULES, PROCEDURES, CONDUCT AND ENFORCEMENT**

A. General Public Participation in City Council Meetings

1. General Decorum. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language; clapping; whistling; stamping; or other acts that disturb, disrupt, impede, or otherwise obstruct or interfere with the orderly conduct of the City Council meeting unfeasible. A member of the audience engaging in such conduct shall be given in the first instance a warning by the Presiding Officer and in the second instance may be subject to removal from the meeting by the Presiding Officer or a majority of the Council Members.
2. All electronic mobile or other devices shall be turned to the “off” or “vibrate only” position in order to maintain proper decorum. Exceptions may be made with regard to equipment on the person of emergency services personnel.
3. Members of the public may not bring signs or placards into the City Council Chamber during a meeting. Such signs or placards may be displayed or distributed outside the building or in the Lobby area of the City Hall.
4. Handouts or printed materials in relation to an agenda item shall be provided to the City Clerk for distribution to the City Council, Mayor and related Staff Members and if available to the Public.
5. Food and drink (except water) is prohibited in the City Council Chamber during a City Council Meeting.
6. Lights and mounted equipment are prohibited in the City Council Chamber. Members of the media may be permitted to bring lights or other than hand held audio or visual equipment into the City Council Chamber with advance approval of the City Council.
7. Persons of the audience may not request to be heard by speaking out during the Council Meeting, except in accordance with the procedures outlined in paragraphs (B)(1) through (6) below.
8. Second opportunities for an individual to speak on the same issues will not be permitted unless so mandated by state law.
9. Members of the media are subject to the same rules of decorum as the general public and are out of order and subject to removal from the meeting upon the same ground and in the same manner as members of the general public.

10. In all instances where recognition from the Presiding Officer is required, a person must raise his/her hand and wait to be acknowledged. This does not apply to Council Members.

B. Requests to Address the City Council

1. Public Comment Period

- a. Members of the public may address the City Council during Public Comments; however, no person shall address the Council without first being recognized by the Presiding Officer.
- b. Any person wishing to speak during the Public Comment period shall first complete a “Public Comment or Request to Speak Form” and submit this form to the City Clerk before the Presiding Officer calls for Public Comments.
- c. The primary purpose of oral communications is to allow the public the opportunity to formally communicate with the City Council as a whole, for matters that cannot be addressed or resolved with City Staff under the normal course of working hours of the City government. Each person who addresses the City Council shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the Governing Board, City Staff or General Public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any City Council Meeting shall be given in the first instance a warning by the Presiding Officer and in the second instance may be subject to removal from the meeting by the Presiding Officer or a majority of the Council Members.
- d. All persons addressing the City Council shall step up to the podium or microphone so provided for the use of the public and shall state for the record:
 - i. His/her name;
 - ii. His/her residency (city of residence); and,
 - iii. Any organization, which he/she represents, if any
- e. All remarks, comments or testimony shall be directed to the Presiding Officer and City Council as a whole. Dialogue between and inquiries from audience members at the podium (or microphone so provided for the use of the public), and individual Council Members, Staff Members or the seated audience is not permitted. Council Members seeking to clarify testimony or gain additional information may request the floor from the Presiding Officer and direct their question(s) to the speaker and the speaker may respond to such question(s) from said Council Member.
- f. Time Limit. In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the City Council, each speaker

shall limit comments to three (3) minutes. No person is allowed to defer any portion of the allotted time to any other person. If a large number of people wish to speak, the time may be reduced by the Presiding Officer so that the number of persons wishing to speak may be accommodated within the time available.

2. Agenda Item

- a. Except as otherwise set forth herein, any person wishing to speak on an agenda item shall first complete a “Public Comment or Request to Speak Form” and submit this form to the City Clerk before the Presiding Officer calls for the particular agenda item.
- b. At the discretion of the Presiding Officer, because of excusable neglect or other good cause, a person who has not filled out a Public Comment Card or Request to Speak Form may be recognized and address the City Council after those who have complied with completion of the proper forms. The person recognized must fill out such form immediately thereafter.
- c. All persons addressing the City Council shall step up to the podium or microphone so provided for the use of the public and shall state for the record:
 - i. His/her name;
 - ii. His/her residency (city of residence); and,
 - iii. Any organization, which he/she represents, if any
- d. With regard to an agenda item, any presenter(s) of an individual or group (non City Staff) shall be allowed twenty (20) minutes for an initial presentation and an additional ten (10) minutes for rebuttal following other comments on the matter.
- e. Audience members wishing to speak shall limit comments to three (3) minutes. No person is allowed to defer any portion of the allotted time to any other person. If a large number of people wish to speak, the time may be reduced by the Presiding Officer so that the number of persons wishing to speak may be accommodated within the time available.

3. Public Hearings.

- a. Members of the public may address the City Council during specifically noted “Public Hearings” after the Presiding Officer opens the floor for public comment.
- b. No person shall address the Council without first being recognized by the Presiding Officer. For purposes of specifically noted Public Hearings, a Public Comment or Request to Speak Form is not required. However, all persons addressing the City Council shall step up to the podium or microphone so provided for the use of the public and shall state for the record:
 - i. His/her name;

- ii. His/her residency (city of residence); and,
 - iii. Any organization, which he/she represents, if any
- c. At Public Hearings the presenter/applicant (non City Staff) has the burden of proof, in relation to such requests, and therefore shall be allotted twenty (20) minutes for an initial presentation and an additional ten (10) minutes for rebuttal following the other comments on the matter. The Presiding Officer may allow more time if required to provide due process for the presenter/applicant.
- d. A spokesperson for an organized group of residents residing within the noticed area of the any property involved in a Public Hearing shall be allowed up to ten (10) minutes to speak during the hearing and shall not be allowed to defer any portion of their time to other speakers.
- e. All other members of the public may speak during the Public Hearing for a maximum of three (3) minutes and shall not be allowed to defer any portion of their time to other speakers. In the event the time required for members of the public to speak would exceed sixty (60) minutes, the Presiding Officer may reduce the maximum time limit for members of the public to speak.

C. Comments, Queries and Discussions by Governing Board and Staff

1. Members of the City Council desiring to speak shall first address the Chair, gain recognition by the Presiding Officer, and shall confine himself/herself to the question under debate.
2. Members of the City Council desiring to question City Staff shall, after recognition by the Presiding Officer, address his or her questions to the appropriate Staff Member who shall be entitled to answer the inquiry himself/herself or to designate a member of his/her staff for that purpose.
3. A Council Member once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer. Members of the City Staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
4. No Council Member shall be allowed to speak more than once on any particular agenda item until every other Council Member desiring to do so shall have spoken.
5. There shall be no set time limits with regard to statements, participation, questions or comments by the Governing Board and Staff. The Presiding Officer may establish a time limit for statements, participation, questions or comments of the Governing Board and Staff through motion of the Council.

D. Motion to Enforce

If the Presiding Officer fails to enforce the rules of decorum set forth herein, any Council Member may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the Council in this matter, the majority may designate another Council Member to act as the Presiding Officer for the limited purpose of enforcing the rules of decorum established herein.

E. Motion to Clear the Chamber

In the event that any meeting is willfully interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, by majority vote of the City Council, the meeting shall be called into Recess and the chamber room cleared. The meeting may be reconvened once all reasonable efforts have been made to limit the continued and willful interruption of said meeting.

F. Other Motions

1. Subsidiary Motions.

- a. **Lay on the Table.** Any Council Member may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. To bring the matter back before the Council, a motion must be adopted that the matter be taken from the table. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next meeting of the Council. Otherwise the motion that was tabled dies, although it can be raised later as a new motion. A motion to lay on the table is not debatable.
- b. **Move Previous Question.** Any Council Member may move to immediately bring the question being debated by the Council to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A majority vote of the quorum present is required for passage. A motion to move previous question is not debatable.
- c. **Limit or Extend Limits of Debate.** Any Council Member may vote to put limits on the length of debate. The motion must be made and seconded and requires a majority vote of the quorum present to pass. A motion to limit or extend limits of debate is not debatable.
- d. **Postpone to a Time Certain.** Any Council Member may move to postpone debate and action on a motion to a date and time certain. A motion to postpone to a time certain is debatable.
- e. **Commit or Refer.** Any Council Member may move that the matter being discussed should be referred to staff, a committee, or a commission for further study. The motion may contain directions for the staff, committee, or commission,

as well as a date upon which the matter will be returned to the Council's Agenda. If no date is set for returning the item to the Council Agenda, any Council Member may move, at any time, to require that the item be returned to the Agenda. A motion to commit or refer is debatable.

- f. **Amend.** Any Council Member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to the amendments must first be acted upon. An amendment must be related to the main motion or amendment to which it is directed. Any amendment that substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the Presiding Officer. A motion to amend is debatable.
2. **Motions of Privilege, Order and Convenience.** The following actions by the Council are to ensure orderly conduct of meetings and are for the convenience of the Presiding Officer and Council Members. These motions take precedence over any pending main or subsidiary motion and may be debated except as noted.
 - a. **Recess.** Any Council Member may move for a recess. No second is required, and the Presiding Officer must comply unless the Council, by majority vote, sets aside the motion.
 - b. **Adjourn.** Any Council Member may move to adjourn at any time by specifying the date, time and place and reason for adjournment, even if there is business pending. The motion must be seconded, and a majority vote is required for passage. A motion to adjourn is debatable.
 - c. **Point of Order.** Any Council Member may require the Presiding Officer to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the Presiding Officer.
 - d. **Appeal.** Should any Council Member be dissatisfied with a ruling from the Presiding Officer, he or she may move to appeal the ruling to the Council. The motion to appeal requires a second, and the ruling of the Presiding Officer may be overturned by a majority vote subject to the veto power of the Mayor.
 - e. **Suspend the Rules.** Any Council Member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second, and a majority vote is required for passage.
 - f. **Division of Question.** Any Council Member may move to divide the subject matter of a motion, which is made up of several parts so that Council Members can vote separately on each part. This motion may also be applied to complex ordinances or resolutions. A majority vote for passage is required.
 - g. **Reconsider.** Except for votes regarding matters that are quasi-judicial in nature or matters that require a noticed Public Hearing, the Council may reconsider any vote taken at the same meeting, but no later than the same or next regular

meeting, to correct inadvertent or precipitant errors or to consider new information not available at the time of the vote. The motion to reconsider must be made by a Council Member who voted on the prevailing side, must be seconded, and requires a majority vote of the quorum for passage, regardless of the vote required to adopt the motion being reconsidered. If the matter is to be reconsidered at the next regular meeting, a Council Member on the prevailing side must ask the City Clerk to place the matter on the Agenda or otherwise comply with the City Code. If the matter to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

- h. **Rescind, Repeal, or Annul.** The Council may rescind, repeal, or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal, or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.