

MODEL MUNICIPAL PROCEDURAL ORDINANCE

*This is provided as a model for municipalities adopting
formal rules of procedure consistent with Mississippi law.*



**MISSISSIPPI STATE UNIVERSITY™
EXTENSION**

Center for Government and Community Development

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Guide/Model
for a
PROCEDURAL ORDINANCE

To ADOPT rules of procedure for conducting the business of the Board of Aldermen of the City of _____.

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BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF _____.

Sec. 1-1 Meetings - Regular.

(a) Time. The board of aldermen shall hold its regular meeting on the first Tuesday of each month beginning at _____. If the day fixed for any regular meeting of the board falls upon a day designated by law as a legal or national holiday, such meeting shall be held the same hour on the next succeeding day not a holiday.

(b) Place. Regular meetings of the board shall be held in the board room, City Hall; provided, that the board may adjourn any meeting to such other place as it may deem necessary, desirable or convenient for the holding of its session; provided further that if such meeting is adjourned to some other place, notice of the place the meeting is being held shall be affixed to the door of the board room.

Sec. 1-2 Meetings - Second Regular.

The board will hold its second regular meeting each month on the third Tuesday at the same time and place as set for the regular meeting with the same provisions and exceptions as stated for the regular meeting.

Sec. 1-3 Meetings - Recessed.

Any first or second regular meeting of the board may be recessed by appropriate board action to reconvene on a day and time fixed by order of the board and duty entered in the minutes of the meeting which is recessed.

Sec. 1-4 Meetings - Special.

The mayor or any two board members may call a special meeting of the board of aldermen whenever the business or interest of the city requires it. To call the special meeting a summons or written notice calling the meeting, including its time and place, signed by the mayor or board members calling it, must be served by an officer of the police department on the mayor and/or members of the board who have not signed it. The notice must be served at least three hours before the time of the meeting fixed upon the notice. The notice must be posted at City Hall one hour after the special meeting is called.

Sec. 1-5. Open to the Public.

All meetings of the board shall be open to the public except on those occasions when the board may choose to go into executive session for the reasons established by the Mississippi Code of 1972, as amended, and in the manner prescribed thereby. MCA 1972, § 25-41-1 et seq.

Sec. 1-6. Agenda

All items of business or other matters to be officially considered for action of the board shall be submitted to the city clerk by noon on the Friday prior to each board meeting, whereupon the city clerk shall immediately arrange a list of such business items or matters according to the order of business as set forth in Sec. 1-11 of this procedural ordinance and furnish each member of the board (the chief administrative officer or the city manager if appropriate) and the city attorney with a copy of the same at least 24 hours prior to the board meeting, and as far in advance of the meeting as time for preparation will permit. Any member of the board may, however, bring before the board any urgent or emergency matter, not on such agenda, subject to the approval of the mayor and other board members to hear and/or be acted upon.

Sec. 1-7. Presiding Officer.

The presiding officer shall be the mayor, or, in his absence, the mayor pro tempore. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the board. He shall state every question coming before the board, announce the decision of the board on all subjects and decide all questions of order, subject, however, to an appeal to the board, in which event a majority vote of the board shall govern and conclusively determine such question of order. Such appeal shall be immediately presented and voted upon by the board.

Sec. 1-8. Calling of Meetings to Order.

The mayor, or in his absence, the mayor pro tempore, shall take the chair precisely at the hour appointed for the board meeting, and shall immediately call the board of aldermen to order. In the absence of the mayor or mayor pro tempore the city clerk or his assistant shall call the board to order, whereupon a temporary chairman shall be elected by the members of the board present. Upon the arrival of the mayor or mayor pro tempore, the temporary chairman shall immediately relinquish the chair upon conclusion of the business immediately before the board.

Sec. 1-9. Roll Call.

Before proceeding with the business of the city board, the city clerk or his deputy shall take roll of the members. The names of those present shall be entered in the minutes. The clerk will announce those present and absent at the call of the mayor during the roll call order of business.

Sec. 1-10. Quorum

A majority of all the members elected to the board of aldermen shall constitute a quorum at any regular or special meeting of the board. No official business may be transacted by the board in the absence of a quorum, at any time after the meeting has been called to order.

Sec. 1-11. Order of Business.

All meetings of the board of aldermen shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the board, the city clerk, and city attorney (and city manager or chief administrative officer if appropriate) shall take their regular stations in the board room, and the business of the board shall be taken up for consideration and disposition in the following order:

- (1) Call to order
- (2) Roll call and establishment of quorum
- (3) Approval of minutes of previous meeting
- (4) Public comment
- (5) Reports of standing and special committees
- (6) Unfinished or business carried forth from a previous meeting
- (7) New business
- (8) Claims docket or payment of expenses
- (9) Miscellaneous Announcements and Summary Comments
- (10) Adjournment

Sec. 1-12. Minutes

A copy of the minutes of the previous regular and any intervening meeting of the board of aldermen duly recorded and prepared according to the Mississippi Statutes shall be made available to all board of aldermen members at the City Hall at least two (2) hours prior to the meeting at which they are to be approved.

Sec. 1-13. Approval of Minutes.

The approval of the minutes of the previous board of aldermen meeting and any appropriate intervening special meetings may be approved by general consent as printed and distributed to the board of aldermen, unless their reading is requested by a member of the board. Corrections to the printed minutes will be requested and considered at the time of their approval on the board meeting agenda.

Sec. 1-14. Record of Voting.

All actions of the board of aldermen requiring a vote shall be recorded in the minutes by individual board member as either "For," "Opposed" or "Abstained." Members introducing and seconding motions will also be recorded. While abstentions are recorded by name, the number of those abstaining is always counted on the "prevailing" side of the numerical vote count when calculating percentages needed for a majority, 2/3's majority, or unanimous tally. Should the city clerk, mayor, or any board member be uncertain as to the individual disposition of the votes, a Division of the board or Roll Call vote may be called.

Sec. 1-15. Rules of Order.

Unless otherwise specified or unless changed by a specific provision of this article, the board of aldermen shall be governed in all matters of procedure by that compilation of rules of procedure known as “Robert’s Rules of Order” or “The Standard Code of Parliamentary Procedure.”

Sec. 1-16. Rules of Debate.

(a) Board members may debate and vote as allowed by Mississippi statutes. Members of the board of aldermen may move, second and debate, subject only to such limitations of debate as are imposed by these rules on all members.

(b) Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(c) Interruptions. A member, once recognized, shall not be interrupted when speaking, unless it is to call him to order as otherwise provided in this article. If a member, while speaking, is called to order, he shall cease speaking until the question of order is determined, and, if in order, he shall be permitted to proceed. The mayor or presiding officer will enforce such procedure as necessary to maintain order in discussion.

(d) Limitation on debate

(1) Debate, discussion or the address of any matter by an individual board member or citizen will be limited to three minutes per occasion of officially obtaining the floor. Limited extensions of time may be granted to the person who has the floor by the presiding officer upon request. Changes in the time limit on debate may be adopted by proper motion, second and vote of the board at any time.

(2) No member shall speak more than once on any subject under discussion until all other members of the board have had the opportunity to speak.

(e) A board member may request through the mayor or presiding officer that an abstract of his statement on any subject under consideration by the board be entered in the minutes. Any board member shall likewise have the right to have the reason for his dissent or protest against any action of the board of aldermen entered on the minutes.

(f) Procedure for introduction and passage of ordinances, etc.

(1) Ordinances, resolutions, and other matters or subjects requiring action by the board may be introduced by and sponsored by any member of the board and by no other person. The (chief administrative officer, city attorney, city clerk or city manager) may present ordinances, resolutions, and other matters to the board, and any board member may assume sponsorship thereof by introducing same and moving its adoption.

(2) Each ordinance, resolution or other matters or subjects requiring action by the board shall be introduced in the form of a motion, duly seconded and discussed prior to voting on the measure. Discussion may precede and follow formal introduction of motions, if deemed necessary by the presiding officer.

(g) Motion to Reconsider.

A motion to reconsider any action taken by the board may be made only during the meeting such action was taken or during the next subsequent recessed or adjourned meeting. Such motion must be made by a board member who voted on the prevailing side.

(h) Suspension of the Rules.

A motion to suspend the procedural rules of the board may be introduced when it is desired to temporarily suspend the operation of some standing rule in order to take emergency action, or action which is determined to enhance the efficient dispensation of business before the board.

Sec. 1-17. Citizens addressing the Board

(a) The mayor or presiding officer of the board of aldermen shall provide opportunity during board meetings for discussion by interested persons or their authorized representatives on any board bill or other matter before the board prior to final passage; provided, that the preference shall be given to any person, who, at least four days prior to the board meeting, shall have requested opportunity for discussion by written notice directed to the city clerk.

(b) Any person may direct a written communication to the board of aldermen on any matter concerning the city's business by directing the communication to the board through the city clerk. Any such written communication shall be placed on the agenda of the next regular board meeting under the order of business where the item or subject is addressed or under public comment.

(c) After a motion is made in the board of aldermen, no person except a member of the board shall address the board, without having submitted the above-described written request and properly obtaining the floor through the presiding officer.

(d) The presiding officer of the board shall, from time to time, make such rules as he may deem necessary to fulfill and carry out the intent of the provisions of this section.

Sec. 1-18. Manner of Addressing Board: Time Limit.

Each person addressing the board of aldermen shall stand, request to be recognized, and if granted, shall give his/her name and address of residence for the records. Unless further time is granted by the board each person shall limit their address to three minutes. All remarks shall be addressed to the board as a body and not to any member thereof. No person, other than the board and the person having the floor shall be permitted to enter into any discussion or asking a question of a board member either directly or through a member of the board, without the permission of the mayor or presiding officer.

Sec. 1-19. Decorum – Generally

(a) By board members.

While the board of aldermen is in session, the members shall preserve decorum and order, and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the board, nor disturb any member while speaking, nor refuse to obey the orders of the board or its presiding officer, except as otherwise provided in this article.

(b) By other persons.

No person shall make personal, impertinent, profane or slanderous remarks, nor otherwise disturb the order and decorum of any board meetings. The sergeant-at-arms, at the direction of the mayor, shall remove any person violating the provisions of the subsection.

Sec. 1-20. Decorum - - Preservation; Sergeant – At – Arms.

The chief of police or such members of the police department as he may designate shall be sergeant-at-arms of the board of aldermen meetings. He shall carry out all orders and instructions given by the mayor or presiding officer for the purpose of maintaining order and decorum at the board meetings.

Sec. 1-21. Special Committees.

All special committees shall be appointed by the mayor, unless otherwise directed by the board of aldermen.

Sec. 1-22. Standing Committees.

The board of aldermen shall have such standing committees as it may establish.

Sec. 1-23. Committee Meetings - - Generally.

Meetings of all committees may be held at such time and place as the committee shall determine for its convenience. The committee, at its discretion, may determine who, besides its members may be present.

Sec. 1-24. Reports of Committees.

All committees of the board of aldermen shall make their reports in writing when so directed by the presiding officer. All reports shall be filed with the city clerk and entered on the minutes of the board of aldermen.

Sec. 1-25. Motion to adjourn.

A motion to adjourn shall always be in order and shall be decided without debate.

Passed at meeting: _____

Mayor

Attest: _____
City Clerk

(AND, if appropriate)

Approved for Board action: _____
City Manager or Chief Administrative Officer

Note: The preceding is offered as a suggested guide. City governing bodies may find it necessary or desirable to revise the guide to meet their needs. Words or titles such as alderman, board, commission, etc. may be substituted to be accurate for a given municipality. Other sections may be included within a procedural ordinance as the board of aldermen determines to be proper and efficient to the conducting of business, as long as such provisions fall under acceptable applications of state law. Boards should consult their attorney prior to passage of all sections of a procedural ordinance.

References:

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