

Ordinance #2019-27

ORDINANCE AMENDING CHAPTER 2, ARTICLE II, OF THE CITY CODE
ENTITLED "CITY COUNCIL" REGARDING "NO CONSIDERATION"

BE IT ORDAINED by the Mayor and City Council of Winston-Salem that Chapter 2, Article II, Section 2-40 of the City Code is hereby amended as set forth below.

Section 1. Sec. 2-40 Ordinances, resolutions and motions, is hereby amended to read as follows:

"Sec. 2-40. - Ordinances, resolutions and motions.

- (a) *Ordinances and resolutions to be in writing; placement on agenda.* All ordinances or resolutions offered for adoption shall be in writing. It shall be the policy of the city council to consider only those items on the agenda prepared and set out for delivery to the council members at least 36 hours prior to the meeting as required under the provisions of section 2-33(e). This policy, generally referred to as the "36-hour rule," shall be waived upon motion as to specific items, but such waiver shall not permit action on any item at the meeting without unanimous consent of those present.
- (b) *Unanimous consent for consideration.* No ordinance, resolution or motion shall be acted upon after being proposed unless by the unanimous consent of those present, but such ordinance or resolution shall be acted upon at the next regular or special meeting of the council, or otherwise if directed by the city council.
- (c) *Effective date.* Every ordinance, resolution or motion shall be in force from its passage unless otherwise provided therein.
- (d) *Official copy of ordinances.* The city secretary shall keep a bound copy of all ordinances, which shall be the official copy.
- (e) *Objection to consideration (item "No Considered" or "No Consideration").* The unanimous consent required for consideration of an item, as specified in subsections (a) and (b) of this section, shall be conclusively presumed to exist unless a member announces that he does not consent to consideration. The procedural tool of "No Consideration" shall not be utilized on any item that requires a public hearing. When a member of the city council wishes to object to the consideration of an item, the member must express that objection after the item is introduced for consideration and the mayor's call for discussion but prior to a vote for approval or disapproval of the item. A motion to continue an item or send an item back to a committee, and a vote on the same is not considered a vote for approval or disapproval of the item. An item that has been continued or sent back to committee may be "no considered" at the next or any subsequent city council meeting where the item is being considered. An item may be "no considered" only once. Before being acted upon, any item that is no considered may be discussed at the next meeting scheduled in accordance with subsection (a), provided a majority of the council consents to said discussion. Otherwise the item will be considered without further discussion. If no member objects to consideration prior to such vote, the right of the member to object shall be deemed to be waived.
- (f) *Required vote for approval of ordinance.*

- (1) If the question before the council is the adoption of an ordinance on its first introduction, a favorable vote of two-thirds or more of all the members of the council shall constitute approval of the ordinance; a favorable vote of a majority of the members present, but less than two-thirds of all the members, shall constitute automatic continuance of the ordinance to the next regular or special meeting of the council, unless the council directs a different time; and a favorable vote of less than a majority shall constitute defeat of the ordinance. Before being acted upon, any ordinance so continued may be discussed at the next meeting scheduled, in accordance with this subsection, provided a majority of the council consents to said discussion. Otherwise, the item will be considered without further discussion.
- (2) If the council is passing on the question of the adoption of an ordinance, and the ordinance has been considered at a prior meeting, the affirmative vote of the majority of the members of the council present and voting shall constitute adoption of the ordinance if the ordinance received an affirmative vote by a majority of all the members of the council upon first reading. If the ordinance on first reading received a favorable vote of a majority of the members present and voting, but not a majority of all of the members of the council, the ordinance shall be deemed to have failed unless it receives on second reading an affirmative vote of a majority of all the members of the council.
- (3) With regard to: (a) the annual budget appropriation and tax levy ordinance; and (b) a special use permit, a majority vote of those present and voting shall be sufficient on first consideration to adopt the ordinance.

Section 2. This ordinance shall become effective upon adoption