



Issue: COUNCIL BILL 2022-027: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 2 OF THE NIXA CITY CODE TO ADD PROVISIONS RELATED TO THE PROCEDURES OF CITY COUNCIL.

Date: February 23, 2022.

Submitted: Nick Woodman, City Attorney

Background

As a legislative body, the Council has the authority, as reflected in City Charter Section 3.11(b), to determine its own rules and procedures for the conduct of its business. Generally, the governing bodies of cities will adopt these rules by ordinance. Currently, Council is governed by unwritten rules based on prior practices and a few provisions of the City Charter.

It is better practice to have written rules for City Council procedures. Written rules provide for more transparency as the rules can then be provided to the public. Additionally, by adopting these rules by ordinance the process of amending the rules is more transparent as such amendments will require Council action after a public comment period. Written and adopted rules will also provide for a definitive document to reference in the event of questions or disputes. It will also provide justification for many of the City's processes related to Council and Council meetings.

To provide for the above policy goals Council Bill 2022-027 is offered for Council's consideration. The provisions of this bill are based on a combination of the City's current unwritten practices and the City's prior Council procedure ordinance. Adoption of this Bill would place these provisions within the City Code.

Analysis

One aspect of the Bill is to codify previously adopted policies that relate to the Council or its procedures. The three specific policies placed in the Code by this Bill relate to Council's compensation, the voting procedure utilized by Council, and Council's videoconferencing policy. These provisions are now found at Section 2-29, Section 2-40, and Section 2-38, respectively.

However, the bulk of the Bill's provisions provide for written rules of procedures for the conduct of Council. These provisions are found in Section 3 of the Bill. This portion of the memo will detail the noteworthy components of these provisions.



Section 2-30. – Meetings of the City Council.

The section provides that the Mayor, or any three members of the Council, may call for special meetings – this is based on similar language contained in Section 3.11 of the City’s Charter. Further, this section allows the Mayor to change the location of meetings or to cancel meetings in the event of an emergency, inclement weather, or when a quorum of Council will not be present for the meeting. Currently, the City has no written or adopted procedures to allow for changing a meeting location or canceling a meeting altogether.

Section 2-31. – Tentative agenda for regular city council meetings.

This section authorizes the Mayor to set the agenda for each regular meeting. This section also authorizes the City Clerk to provide the agenda to the full council and to post the agenda in compliance with the State’s open meetings law. There is no current procedure detailing who has authority over what is added to the agenda. This section clarifies that this is the Mayor’s responsibility. However, this authority cannot be used to block the introduction of ordinances or resolutions.

Section 2-32. – Presiding officer – how determined; authority and duties.

This section designates who the presiding officer is at all Council meetings. This will be the Mayor or the Mayor Pro tempore. Importantly, the section authorizes the Council to appoint a temporary presiding officer if the Mayor or Mayor Pro tempore are both absent. This section also provides the presiding officer with certain duties concerning the conduct of the meeting. These include preserving the order and decorum of meetings, deciding on rules of order, and signing the ordinances or resolutions which are adopted in their presence.

Section 2-34. – Applicability of Robert’s Rules of Order, additional parliamentary procedures – established.

This section adopts Robert’s Rules of Order as the guiding rules for the Council on matters of parliamentary procedure. It is important to note that the section stresses that Robert’s is a guiding authority and actions taken by the Council, even if they are not in line with Robert’s, shall control over Robert’s. This provision also provides additional guidance on the motion to postpone to a certain time. Mainly that if the Council is unable to meet the next time the item is to be considered, it is automatically postponed to the next available meeting.

Section 2-35. – Times when citizens may address the council – manner of such communication.

This section codifies the Council’s current practice regarding the public hearing and visitor’s sections of regular meetings. It requires that an opportunity for public



comment must be offered before the adoption of any ordinance or resolution. Additionally, it requires that there must be an opportunity for other public comments (the visitor's section) at each regular City Council meeting.

Section 2-36. – Decorum.

This section provides rules on the conduct of the Council, Mayor, staff, and the public during meetings. Meetings of the Council are business meetings and should be conducted civilly without any interruptions, while also respecting the rights of interested persons to make their comments without interruption. Additionally, this section prohibits the display of signs or other visual devices during council meetings. The section speaks for itself on the policy rationale for this provision.

Section 2-37. – Voting via videoconferencing – limitation.

This provision was discussed earlier in the memo. It codifies the Council's current policy on the use of videoconferencing instead of physical attendance at meetings. Some changes were made to make this provision more flexible and more in line with State statutes on this topic.

Section 2-38. – Ordinances, resolutions, and other actions – provisions related thereto.

This section guides how ordinances and resolutions get to Council. This section authorizes the Mayor, City Administrator, and City Attorney to bring ordinances and resolutions to the Council. Council itself is also authorized to direct staff to bring ordinances and resolutions to the Council by motion. This provision is largely based on similar provisions found in the City's prior code of ordinances.

Section 2-39. – Manner of voting.

This section was discussed earlier in the memo, but it is worth expanding on this more here. The Charter requires Council to provide for when roll call voting is required. This section codifies the Council's current practice of conducting roll call votes for the approval of ordinances and voice votes for the approval of resolutions. Additionally, this section guides how to treat abstentions for purposes of the mayoral tie vote. Under the Charter, the Mayor has the power to vote when there is a tie amongst Council. A member of the Council can deprive the Mayor of their tie vote by abstaining. To deter such a tactic, the Code will interpret the abstention as a no vote, thereby not depriving the Mayor of their tie vote.

Division 5 – Procedures related to committees of Council.

Sections 2-40 through 2-43 provide regulations on Council committees. Currently, City Council does not have any established standing committees, but Council has utilized special or ad hoc committees from time to time. The code provisions in this division



provide procedures on how special committees can be established and how committees can call meetings once established. This section also authorizes the Council to meet as the committee of the whole, which is a parliamentary tool utilized by governing bodies to meet in an informal committee setting instead of as the full Council. There can be advantages to meeting as an informal unit of the Council as committee meetings are supposed to be more informal than business meetings of the full Council. For example, when considering board or commission appointments, it may be more advantageous for Council to meet as a committee of the whole.

Recommendation

Staff recommends approval of the above referenced Council Bill. This Bill furthers several public policy goals of the City. Specifically, the codification of these provisions would allow for more transparent operations of the City as the rules governing the Council's conduct will be published in a public document. Additionally, the process to amend these rules will be a public process involving a public hearing and public debate by the Council. Further, this Bill will provide a written document that can be referenced and interpreted when questions or disputes over Council's procedures arise. Finally, this Bill would provide written justification for some of the City's processes.

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER
2 2 OF THE NIXA CITY CODE TO ADD PROVISIONS RELATED TO THE
3 PROCEDURES OF THE CITY COUNCIL.
4

5
6 WHEREAS City Charter section 3.11(b) authorizes the City Council to determine
7 its own rules and order of business; and
8

9 WHEREAS from time to time the Council has provided for rules regarding how it
10 is to conduct its business; and
11

12 WHEREAS said rules and regulations have existed in the form of ordinances,
13 policies, and practices over time; and
14

15 WHEREAS the City Council desires to adopt and codify said rules and regulations
16 so they are readily available to the public and so that there is clear legal authority for the
17 procedures applicable to Council’s business.
18

19 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
20 NIXA, AS FOLLOWS, THAT:
21

22 SECTION 1: Chapter 2, Article II, of the Nixa City Code is hereby amended by
23 adding thereto a new section which shall read as follows:
24

25 (Note: Language to be added is indicated by being underlined. Language to be removed
26 is indicated by being ~~stricken~~.)
27

28 Sec. 2-29. – Councilmember and Mayor Compensation.
29

30 (a) Compensation for city councilmembers. Pursuant to Section 3.3 of the City Charter,
31 members of the city council shall receive an annual salary of \$960.00.
32

33 (b) Compensation for the mayor. Pursuant to Section 4.3 of the City Charter, the mayor
34 shall receive an annual salary of \$3,600.00.
35

36 SECTION 2: When codifying this Ordinance Sections 2-25 through 2-29 shall be
37 designated as Division 1 of Chapter 2, Article II. Said Division shall be titled as “General
38 Provisions.”
39

40 SECTION 3: Chapter 2, Article II, of the Nixa City Code is hereby amended by
41 adding thereto several new sections, which said sections shall read as follows:
42

43 (Note: Language to be added is indicated by being underlined. Language to be removed
44 is indicated by being ~~stricken~~.)
45

46 DIVISION 2. – PROCEDURES RELATED TO SCHEDULING AND CALLING CITY
47 COUNCIL MEETINGS.

48
49 Sec. 2-30. – City Council Meetings.
50

51 (a) Regular meetings. The city council shall hold its regular meetings, not less than
52 monthly, as required by the City Charter. Regular meetings of the council shall be held
53 in the council chambers located in city call.
54

55 (b) Special meetings. The mayor, or three members of city council, may call special
56 meetings of the council whenever, in their opinion, the public business may require it.
57 Special meetings shall be called by providing the city clerk with written notice that a
58 special meeting is to be called along with a proposed tentative agenda for the special
59 meeting. The city clerk shall then provide notice of the special meeting in the same
60 manner as provided in section 2-31 of the city code.
61

62 (c) Mayor authorized to change meeting location or cancel meeting. The mayor, or in their
63 absence the mayor pro tempore, is authorized to change the location, date, and time
64 of any regular or special meeting if the council chambers, city hall, or other location of
65 the meeting is inaccessible or in the event of an emergency, inclement weather, or
66 any other occurrence which may cause unreasonable difficulty in attending the
67 meeting. When changing the location of the meeting the mayor shall provide the
68 changed location, date, and time on the modified tentative agenda for said meeting.
69 The mayor is also authorized to cancel a meeting of the council if an emergency,
70 inclement weather, or any other occurrence which cause unreasonable difficulty in
71 attending said meeting. The mayor is also authorized to cancel a meeting of the
72 council if the mayor has received written communication from a quorum of
73 councilmembers that they will not be in attendance at said meeting. Notice of such a
74 canceled meeting shall be provided to members of city council as soon as practicable.
75

76 Sec. 2-31. – Tentative agenda for regular city council meetings.
77

78 (a) Setting of council’s regular meeting tentative agenda.
79

80 (1) The mayor, or in their absence the mayor pro tempore, in coordination with the city
81 administrator and the city clerk, shall prepare a tentative agenda for each regular
82 meeting of the city council. Said tentative agenda shall at a minimum include the
83 date, location, time, and whether the meeting or any portion thereof, is to be closed
84 to the public.
85

86 (2) The mayor, or mayor pro tempore, as the case may be, shall not refuse to include
87 on any tentative agenda any ordinance or resolution which has been requested for
88 introduction by a motion of the council or which has been requested in writing by
89 the city administrator or city attorney.
90

91 (b) Notice of council’s regular meeting tentative agenda – how provided.

92
93 (1) After the tentative agenda for a regular meeting has been prepared and provided
94 to the city clerk, the city clerk shall provide a copy of the agenda as soon as
95 practicable and in the following manner:

96
97 a. Electronically mailed to each member of council, or in lieu thereof provided to
98 each member of council by other reasonable means. However, the
99 attendance of any member of council at such meeting shall be deemed to be
100 a waiver of this requirement by the members of council in attendance;

101
102 b. Posted by the city clerk at a conspicuous location at city hall; and

103
104 c. In compliance with any applicable provisions of chapter 610 RSMo.
105

106 DIVISION 3. – PROCEDURES RELATED TO THE CONDUCT OF CITY COUNCIL
107 MEETINGS.

108
109 Sec. 2-32. – Presiding officer – how determined; authority and duties.
110

111 (a) The presiding officer of all meetings of the city council shall be the mayor, or in their
112 absence the mayor pro tempore. In the absence of the mayor and the mayor pro
113 tempore, the city clerk, or their designee, shall call the council to order, whereupon a
114 temporary presiding officer shall be elected by the members of council present. Such
115 temporary presiding officer shall continue to serve for the duration of the meeting or
116 upon the arrival of the mayor or mayor pro tempore.

117
118 (b) The presiding officer shall have the authority and duty to:

119
120 (1) Preserve order and decorum at all meetings of the city council.
121

122 (2) State every question coming before the council, announce the decision of the
123 council on all subjects, and decide all questions of order. The presiding officer's
124 authority regarding questions of order shall be subject only to an appeal of the city
125 council. Upon such a motion to appeal, a majority vote of the members of council
126 present shall govern and conclusively determine such questions of order. Motions
127 to appeal shall be immediately presented and voted upon by the council.

128
129 (3) Sign all ordinance, resolutions, or other measures adopted by the council in the
130 presence of the presiding officer for the purpose of attesting to the adoption of said
131 measure, their signature being authenticated by the city clerk or designee.
132

133 (4) Call the city council to order.
134

135 (5) During any meeting, and with the consent of the city council, arrange the agenda
136 in any order necessary to accomplish the city's business in the most convenient
137 manner for council.

138
139 (6) From time to time, during a meeting, the presiding officer may make such rules as
140 they deem necessary to fulfill and carry out the intent of the provisions of this
141 article. Such rules may be overturned by a majority vote of the members of the
142 council present at the meeting.

143
144 (c) The presiding officer shall not be deprived of any rights or privileges that they may
145 enjoy as the mayor or as a councilmember due to their role as presiding officer.

146
147 Sec. 2-33. – General provisions related to city council meetings.

148
149 (a) At each meeting of the city council, the following procedures shall be observed:

150
151 (1) *Quorum.* A majority of the city council shall constitute a quorum at any meeting of
152 the council. In the absence of a quorum, a smaller number may adjourn from time
153 to time and may compel the attendance of absent members.

154
155 (2) *Roll call.* Before the business of the city council proceeds, the city clerk, or their
156 designee, shall call the roll of the members, and the names of those present shall
157 be entered into the minutes.

158
159 (3) *Meetings open to the public – exceptions.* All meetings of the city council shall be
160 open to the public, except city council may close such meetings as authorized by
161 law.

162
163 (4) *Sergeant-at-arms.* The chief of police, or such members of the police department
164 as they may designate, shall be sergeant-at-arms of city council meetings. They
165 shall carry out all lawful orders and instructions given by the presiding officer to
166 maintain order and decorum at city council meetings.

167
168 Sec. 2-34. – Applicability of Robert’s Rules of Order, additional parliamentary procedures
169 – established.

170
171 (a) *Robert’s Rules of Order – applicability.* Except as it conflicts with the city charter and
172 the provisions of the city code, the city council shall be guided in matters of
173 parliamentary procedure by the most recent compilation of rules known as Robert’s
174 Rules of Order, Newly Revised. However, any motion or action approved by a majority
175 of council shall control over the text of Robert’s Rules of Order. Council intends that
176 Robert’s Rules of Order shall merely guide the parliamentary proceedings of the
177 council.

178
179 (b) *Motion to postpone to a certain time.* A motion to postpone to a certain time shall delay
180 the consideration of an item to a date certain. Should the city council not conduct a
181 meeting on the date certain referenced in such motion, the item shall be automatically
182 postponed to the next available regular city council meeting. The council may, by

183 motion, consider a postponed item any time prior to the date certain expressed in the
184 original motion.

185
186 Sec. 2-35. – Times when citizens may address the council – manner of such
187 communication.

188
189 (a) The presiding officer shall provide an opportunity during council meetings for public
190 comment on each ordinance and resolution before its final passage. Comments
191 provided during such period shall be related to the proposed item. Persons providing
192 public comments shall give their comments from the podium or other designated area,
193 shall give their name and address for the record, and shall limit their comments to five
194 minutes. Nothing herein shall be construed as prohibiting the council or the mayor
195 from inquiring further of the speaker and allowing the speaker to respond.

196
197 (b) Any person may direct written communication to the city council on any matter
198 concerning the city’s business by directing the communication to the city council
199 through the city clerk.

200
201 (c) The city council shall allow for time during all regular meetings for persons to address
202 the council on any matter not then before the council. Any person desiring to
203 personally address city council at a regular meeting on any matter not then before the
204 council shall notify the city clerk in writing of their intent to speak and the topic of their
205 remarks prior to the Council arriving at that portion of the agenda. Persons desiring to
206 address the City Council in this manner shall give their comments from the podium or
207 other designated area, shall give their name and address for the record, and shall limit
208 their comments to five minutes. Nothing herein shall be construed as prohibiting the
209 council or the mayor from inquiring further of the speaker and allowing the speaker to
210 respond.

211
212 (d) All remarks or comments from the public shall be addressed to the council as a body
213 and not to any individual member.

214
215 (e) No person, other than the council and individuals recognized to address the council,
216 shall be permitted to enter the discussion with the council.

217
218 Sec.2-36. – Decorum.

219
220 (a) Councilmembers and the mayor. While the city council is in session, members of
221 council and the mayor shall preserve order and decorum, and shall not disturb any
222 other member while speaking, or refuse to obey the orders of the council or the
223 presiding officer.

224
225 (b) All other persons. No person shall disturb or interfere with the order, decorum, or
226 proceedings of any council meeting. The sergeant-at-arms, at the direction of the
227 presiding officer, shall remove any person violating the provisions of this subsection.
228

229 (c) Signs, displays, or other devices. No person shall carry or display a sign or other visual
 230 device which may obstruct the view of others inside any location where the council
 231 may be meeting or any other similar type of written communication that is carried or
 232 displayed. Nothing contained in this section shall be construed to prohibit members of
 233 city staff or other agents of the city or those invited by the council to speak on a topic
 234 from using visual materials when presenting to the city council. The city council hereby
 235 determines that signs or displays in the council chambers, or any other location where
 236 the council may be meeting, may obstruct the view of citizens, can cause injury, and
 237 negatively affect the decorum of city council meetings, and are hereby prohibited for
 238 such reasons.

239
 240 Sec. 2.37. – Voting via videoconferencing – limitation.

241
 242 Pursuant to section 610.015 RSMo, members of the city council and the mayor are
 243 authorized to participate in roll call voting via videoconferencing. Notwithstanding the
 244 authorization contained in section 610.015 RSMo, councilmembers and the mayor shall
 245 be prohibited from voting on items that require a roll call vote via videoconference if they
 246 have utilized said authorization for the prior three consecutive meetings.

247
 248 DIVISION 4. – PROCEDURES RELATED TO CITY COUNCIL ACTIONS.

249
 250 Sec. 2-38. – Ordinances, resolutions, and other actions – provisions related thereto.

251
 252 (a) Preparation of ordinances and resolutions. All ordinances and resolutions shall be
 253 prepared or approved by the city attorney.

254
 255 (b) Prior approval by City Administrator. All ordinances or resolutions shall, before city
 256 council consideration, have first been examined and approved by the city
 257 administrator. If the city administrator shall not approve of a measure, then they shall
 258 provide a written memorandum detailing the reasons for lack of approval. The city
 259 administrator shall advise the council of the reasons for lack of approval and the
 260 council may then proceed with consideration of the ordinance or resolution.

261
 262 (c) Introduction of ordinances and resolutions. No ordinance or resolution shall be
 263 considered by city council unless the introduction of such ordinance or resolution has
 264 been requested by a motion of the council; requested in writing by the city
 265 administrator or the city attorney; or if the item was provided to the council after its
 266 review by a council committee.

267
 268 (d) Motions shall be made in the affirmative. To avoid confusion, all motions of the city
 269 council shall be made in the affirmative.

270
 271 Sec. 2-39. – Manner of voting.

272
 273 (a) Ordinances. When the question before city council is the approval of an ordinance,
 274 the council shall vote by roll call. When the presiding officer calls for a roll call vote,

275 the city clerk, or designee, shall randomly call on the names of councilmembers and
276 record the vote of each councilmember. Pursuant to City Charter section 3.11(c), the
277 affirmative vote of a majority of the entire council is required to adopt an ordinance.
278

279 (b) Resolutions and motions. Resolutions and motions may be approved by a voice vote
280 of the council. A roll call vote is not required for the approval of such actions. Any
281 member of council may request that a resolution or motion be considered by a roll call
282 vote, in which event, the procedures in section 2-39(a) shall apply to said vote. The
283 affirmative vote of a majority of councilmembers present at the meeting is required to
284 adopt any resolution.
285

286 (c) Abstentions – how counted for purposes of mayoral vote in the event of a tie. For
287 purposes of determining whether the mayor is authorized to vote on an item pursuant
288 to City Charter section 4.4, abstentions by members of council shall be considered a
289 no vote for the purpose of determining whether a tie vote has occurred.
290

291 DIVISION 5 – PROCEDURES RELATED TO COMMITTEES OF THE COUNCIL.

292 Sec. 2-40. – Standing committees.

293
294
295 (reserved)
296

297 Sec. 2-41. – Special committees.

298
299 The council is authorized to establish, from time to time, special committees of the
300 city council, which shall investigate and report to the council on specific items referred
301 thereto. Special committees are intended to have a limited duration and shall be
302 established by resolution.
303

304 Sec. 2-42. – Committee of the whole.

305
306 (a) City council authorized to meet as the committee of the whole. The mayor, or any
307 three members of the Council, may call a meeting of the committee of the whole.
308 When the City Council shall meet as the committee of the whole, or when any matter
309 is referred to the committee of the whole, it shall meet at a time fixed by the mayor, or
310 the three members of the Council calling for the meeting. The committee of the whole
311 may adjourn its meetings from time to time and may make its report at any subsequent
312 meeting of the Council.
313

314 (b) Mayor shall preside; rules of council to apply. The mayor shall be the presiding officer
315 of the committee of the whole, and the provisions of this Article shall be observed by
316 the committee of the whole, so far as such provisions may be applicable and provided
317 that discussion in the committee of the whole shall be as informal as possible,
318 consistent with order and decorum.
319

320 (c) Committee of the whole distinct from city council. When meeting as the committee of
321 the whole, the City Council is acting as a committee of the Council. Therefore, the
322 committee of the whole is not authorized to adopt ordinances, resolutions, or items
323 which require the approval or action of the City Council and a meeting of the committee
324 of the whole shall not be considered a meeting of the City Council.

325
326 Sec. 2-43. – Committees generally.

327
328 (a) Except for the committee of the whole, each committee shall meet at the call of the
329 chair, or upon the call of at least half of the committee, with reasonable notice to the
330 other members. Meetings of all committees may be held at such time and place as
331 the committee shall determine for its convenience.

332
333 (b) The chair shall prepare a tentative agenda for each meeting of the committee. Said
334 agenda shall include the date, location, time, and whether the meeting, or any portion
335 thereof, is to be closed to the public.

336
337 (c) No committee shall take up any matter unless the City Council shall have first referred
338 such matter to the committee.

339
340 (d) The committee may allow for public comment.

341
342 (e) The chair shall have the authority to preserve the strict order and decorum at all
343 meetings of the committee.

344
345 (f) All committees of the City Council shall make their recommendations or reports to the
346 entire Council and such actions shall be included in the minutes of the committee.

347
348 **SECTION 4:** Ordinance No. 1942 and Ordinance No. 1945 are hereby repealed
349 and of no further force and effect.

350
351 **SECTION 5:** The City Attorney, when codifying the provisions of this Ordinance, is
352 authorized to provide for different section numbers, subsection numbers, and different
353 internal citation references than those provided herein when such section numbers,
354 subsection numbers, or internal citation references are in error or are contrary to the intent
355 of this Ordinance.

356
357 **SECTION 6:** Savings Clause. Nothing in this Ordinance shall be construed to
358 affect any suit or proceeding now pending in any court or any rights acquired, or liability
359 incurred nor any cause or causes of action occurred or existing, under any act or
360 ordinance repealed hereby.

361
362 **SECTION 7:** Severability Clause. If any section, subsection, sentence, clause, or
363 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
364 the validity of the remaining portions of this Ordinance. The Council hereby declares that
365 it would have adopted the Ordinance and each section, subsection, sentence, clause, or

366 phrase thereof, irrespective of the fact that any one or more sections, subsections,
367 sentences, clauses, or phrases be declared invalid.

368
369 **SECTION 8:** This Ordinance shall be in full force and effect from and after its final
370 passage by the City Council and after its approval by the Mayor, subject to the provisions
371 of section 3.11(g) of the City Charter.

372

373

374 **ADOPTED BY THE CITY COUNCIL THIS 14TH DAY OF MARCH 2022.**

375

376 ATTEST:

377

378 _____
379 CITY CLERK

PRESIDING OFFICER

380

381 **APPROVED BY THE MAYOR.**

382

383 ATTEST:

384

385 _____
386 CITY CLERK

MAYOR

387

388 APPROVED AS TO FORM:

DATE OF APPROVAL

389

390 _____
391 CITY ATTORNEY