

Agenda: Newton City Council

Council Workshop
November 28, 2022, 6:00 p.m.

Newton Arboretum and Botanical Gardens
3000 N 4th Ave E., Newton, Iowa 50208

Call to Order

Roll Call

Discussion

1. Review the results from the August 29, 2022 Workshop
2. Review and discuss changes to the 2018 Procedural Rules of the Newton City Council
3. Envision Newton 2042 Strategy

Adjourn

The City of Newton is pleased to provide reasonable accommodations, in compliance with the Americans with Disabilities Act, for those individuals or groups who require assistance to be able to participate in the public meeting. Should special accommodations be required, please contact the City Clerk's Office at least 48 hours in advance of the meeting, at 641-792-2787 to arrange for accommodations to be provided.

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City of Newton Council Report



Item: 2018 Procedural Rules of the Newton City Council

Summary: City Council to discuss specific updates they would like to see made to the 2018 Procedural Rules of the Newton City Council and provide direction to City Attorney and City Staff for potential revisions.

Financial Impact:
No Financial Impact. This would only be an update to the existing 2018 Procedural Rules of the City Council.

Date: November 28, 2022

Lead Department:
Administration

Recommendation:
Council to provide feedback

Background: The Newton City Council held a City Council Work Session on August 29, 2022. This Work Session was facilitated by Pat Callahan, Callahan Municipal Consultants, LLC. One exercise completed during the work session was a priority ranking of ideas and suggestions for potential policies, procedures or action items. The Council ranked updating the Council Meeting Rules and Procedures as their top priority.

Since that time, the City Council was provided with the Summary of the City of Newton Special City Council Workshop on September 1, 2022 and October 18, 2022. The Council was provided with all of the other documents listed in the *Attachments* section below on October 18, 2022 and October 28, 2022.

Purpose of Work Session: The purpose of this Work Session is for the Council to provide the City Attorney and the City staff with direction on specific changes that they would like to see made to the 2018 Procedural Rules of the Newton City Council. Those proposals would be brought before the Council for their consideration at a future City Council Meeting. City Council members are encouraged to identify 1) which rules, if any, they would like to amend and provide specific language, 2) which rules, if any, they would like to delete from the current Rules of Procedure, and 3) which rules, if any, they would like to add to the current Rules of Procedure and provide specific language.

Attachments:

- Summary of the City of Newton Special City Council Workshop, August 29, 2022 (4 pages)
- 2018 Procedural Rules of the Newton City Council (8 pages)
- Rules of Procedure from Adel, IA (2 pages)
- City Council Rules, North Liberty, IA (14 pages)
- Rules of Procedure, Washington, IA (12 pages)
- Model Council Rules of Procedure, Iowa Institute of Public Affairs (5 pages)
- Model Council Rules of Procedure, Iowa League of Cities (3 pages)

A handwritten signature in black ink, appearing to read "Matt Muckler".

Matt Muckler
City Administrator

Summary of the City of Newton, Iowa - Special City Council Workshop

Code of Conduct and Code of Ethics

August 29, 2022

Mayor & City Council Members

Informal Ranking: Roles & "Jobs"

The Council was asked to rank in order the most important or critical roles for the mayor and all city council members. Ranking System – 1 to 6, with "1" being the top or most important and "6" being the least important or preferred. (For all surveys, seven [7] individuals were polled.)

	Mayor	Craig	Mark	Melissa	Evelyn	Vicki	Randy	Composite
Strategic Vision	1	1	1	1	1	5	3	1.9
Representative - Constituent Advocate	4	4	5	5	6	4	2	4.3
Trustee-Steward	5	2	2	2	4	1	4	2.9
Decision-Maker	3	3	4	3	3	2	1	2.7
Community Builder	2	5	3	4	2	6	6	4.0
Oversight	6	6	6	6	5	3	5	5.3

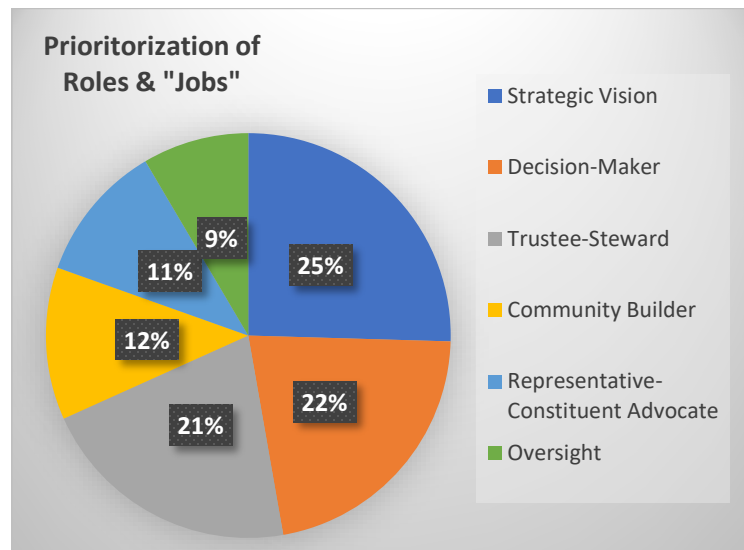
RESULTS: Most important or critical roll =

Most important

1 – Strategic Vision
2 – Decision-Maker
3 – Trustee-Steward
4 – Community Builder
5 – Representative-
Constituent Advocate

Least important

6 – Oversight



Discussion points here:

Summary of the City of Newton, Iowa - Special City Council Workshop

Code of Conduct and Code of Ethics

August 29, 2022

Mayor & City Council Members

Informal Ranking: Personal Preferences

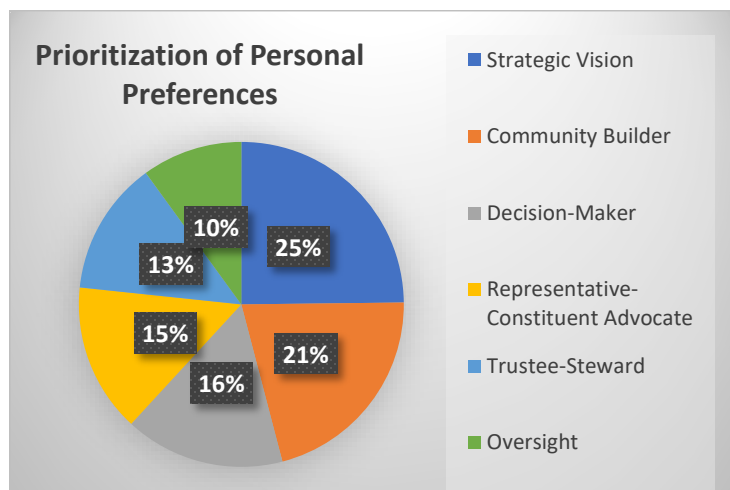
The Council was asked to rank in order what roles he or she find themselves naturally gravitating towards or find the most rewarding. Ranking System – 1 to 6, with “1” being the top or most important and “6” being the least important or preferred. *(For all surveys, seven [7] individuals were polled.)*

	Mayor	Craig	Mark	Melissa	Evelyn	Vicki	Randy	Composite
Strategic Vision	1	1	1	2	1	3	3	1.7
Representative - Constituent Advocate	4	2	2	3	6	4	2	3.3
Trustee-Steward	6	3	5	4	4	5	6	4.7
Decision-Maker	2	5	4	5	3	1	1	3.0
Community Builder	3	4	3	1	2	2	4	2.7
Oversight	5	6	6	6	5	6	5	5.6

RESULTS: Most important
personal preferences =

Most important
↓
Least important

Strategic Vision
Community Builder
Decision-Maker
Representative-
Constituent Advocate
Trustee-Steward
Oversight



Discussion points here:

Summary of the City of Newton, Iowa - Special City Council Workshop

Code of Conduct and Code of Ethics

August 29, 2022

Mayor & City Council Members

Informal Ranking: Ideas and Suggestions

The Council was asked to rank in order Top Priority to Low Priority ideas and suggestions for Potential Policies, Procedures, or Action Items. Ranking System –

A = Top Priority – Item that we should pursue as soon as possible;

B = High Priority – An important item that we need to pursue within the next three to six months;

C = Moderate Priority – A good idea that we certainly need to pursue, but it could be delayed six to twelve months, if needed;

D = Low Priority – I question the value or importance of this suggestion. It is not a critical concern for me at this time.

(For all surveys, seven [7] individuals were polled.) *For composite score, A=4, B=3, C=2, D=1*

	Mayor	Craig	Mark	Melissa	Evelyn	Vicki	Randy	Composite
Adoption of Code of Conduct or Code of Ethics	A	A	C	B	B	C	C	(2.86) C +
Update Council Meeting Rules and Procedures	A	B	A	A	B	C	C	(3.14) B
Review and Update of the City's Social Media Policy	B	C	C	C	C	A	C	(2.43) C
Mission/Vision Statement Review and Update	C	C	C	C	B	C	D	(2.00) C -
Continuous Learning and Training Opportunities for City Employees and Elected Officials	B	C	B	B	A	C	B	(2.86) C +
Work Sessions	D	C	C	B	C	B	B	(2.29) C

RESULTS: Priority ranking of ideas and suggestions =

Top Priority	A – NONE
High Priority	B – Update Council Meeting Rules and Procedures (3.14)
Moderate (TIE)	C – Adoption of Code of Conduct or Code of Ethics (2.86)
Moderate (TIE)	C – Continuous Learning/Training Opportunities for City Employees and Elected Officials (2.86)
Moderate	C – Review and Update the City's Social Media Policy (2.43)
Moderate	C – Work Sessions (2.29)
Moderate	C – Mission/Vision Statement Review and Update (2.00)
Low Priority	D – NONE

Discussion points here:

Prioritization of Ideas and Suggestions



- Update Council Meeting Rules and Procedures
- Adoption of Code of Conduct or Code of Ethics
- Continuous Learning/Training Opportunities for City Employees and Elected Officials
- Review and Update the City's Social Media Policy
- Work Sessions
- Mission/Vision Statement Review and Update

FIGURE 4.

Roles	Associated Activities
Strategic Vision	• Strategic Planning • Determining what is important in the short term • Identifying community wants and needs • Seeing interconnections
Representative–Constituent Advocate	• Answering calls and emails from residents • Connecting residents with the local government to help resolve issues
Trustee–Steward	• Looking at the long-term implications of decisions • Fiduciary role
Decision-maker	• Reading briefing materials • Participating in study sessions • Listening to residents • Voting
Community Builder	• Being present and listening to individuals and community groups • Convening important community conversations • Celebrating accomplishments • Participating in events
Oversight	• Conduct the manager's performance evaluation • Reviewing the audit



2018 PROCEDURAL RULES OF THE NEWTON CITY COUNCIL

Part I. General Provisions

Rule 1. Scope of Rules. The Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection. (City Code Chapter 30.053) These rules shall govern the conduct of the Council and shall be interpreted to ensure fair and open deliberations and decision making.

Rule 2. Technical Parliamentary Forms Abolished. Except as specifically provided in these rules, the Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms. Only motions specified within these rules are allowed.

Rule 3. Three-fourths requirement. Any reference to a three-fourths vote of the City Council means three-fourths of the City Council as a whole, or at least five votes.

Rule 4. Matters Not Covered. Any matter or order or procedure not covered by these rules shall be referred to the presiding officer, who shall decide the matter with or without the assistance and advice of the City Attorney and/or the City Administrator in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the presiding officer may be reversed by a three-fourths vote of the Council.

Rule 5. Interpretation. These rules are intended to supplement and shall be interpreted to conform to the statutes of the State of Iowa and the ordinances of the City of Newton.

Part II. Council Meetings

Rule 6. Regular Meetings. The regular meetings of the Council shall be on the first and third Mondays of each month at a time designated by the Council in the Council chambers at City Hall. If such day shall fall on a legal holiday the meeting shall be held the next succeeding day at the same time unless a different day or time is determined by the Council. (City Code Chapter 30.050)

Rule 7. Special Meetings. (A) Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the Clerk. (B) (1) Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. (2) A record of the service of notice shall be maintained by the Clerk. (City Code Chapter 30.052)

Rule 8. Quorum. A majority of all Council members is a quorum. (City Code Chapter 30.053)

Rule 9. Compelling Attendance. Any four members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent member to attend at once. (City Code Chapter 30.054)

Rule 10. Notice of Meetings. The Council shall give reasonable notice of the time, date and place of each meeting and its tentative agenda. (City Code Chapter 30.055)

Rule 11. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by state law. (City Code Chapter 30.056)

Rule 12. Minutes. (A) Minutes shall be kept of all meetings showing the date, time and place, the members present and the action taken at each meeting. (B) The minutes shall show the results of each vote taken and the vote of each member present shall be made public. (City Code Chapter 30.057)

Rule 13. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the Council or all of the members present at the meeting and in accordance with Iowa Code Ch. 21. (City Code Chapter 30.058)

Rule 14. Cameras and Recorders. The public may use cameras or recording devices at any open session. (City Code Chapter 30.059)

Rule 15. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Iowa Code Ch. 21. (City Code Chapter 30.060)

Rule 16. Mayor's Veto. The Mayor may sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. However, the Mayor may not veto a measure if the Mayor was entitled to vote on the measure at the time of passage. If the Mayor exercises the Mayor's veto power, the Mayor must explain the reason for such veto to the Council at the time of the veto. The Council may override the Mayor's veto by a three-fourths majority of the Council members.

Part III. Agenda

Rule 17. Preparation of Agenda. Prior to each regular Council meeting the City Clerk shall publish an Agenda which contains all items the Council anticipates acting upon at the meeting. The Council may adopt the agenda as presented, or may amend the agenda as provided by these rules and may adopt the agenda as amended.

Rule 18. Consent Agenda. In preparing an Agenda the City Clerk shall separately designate items as "Consent Agenda" which may be acted upon by the Council under Rule 55. The "Consent Agenda" shall consist of routine non-controversial items approved as part of the consent agenda policy which in the City Administrator's determination can be appropriately considered in bulk at the Council meeting.

Rule 19. Agenda Requests and Deadline. The Mayor, any member of the Council and the City Administrator may have an item included upon the Agenda by requesting the City Clerk to include the item by noon on the Tuesday preceding the Council meeting.

Rule 20. Extra Items. Items requested or filed after noon on the Tuesday preceding a Council meeting shall not be included upon the Agenda unless the Mayor shall deem the item of sufficient urgency to warrant immediate Council action. These items shall be designated as "Extra" items and will be considered at the appropriate place on the regular Agenda (prior to or after a related item) or at the end of the regular Agenda.

Rule 21. Sponsor Required. The City Clerk shall not place upon the Agenda any matter for reconsideration unless sponsored by a Council member who voted on the originally prevailing side or who was absent at the time of the original action, provided said Council member made the motion at the next Council Meeting that Council member attended.

Rule 22. Withdrawal of Items. Only the Mayor may withdraw an item prior to the Council meeting.

Rule 23. Order of Consideration of Agenda. Except as otherwise provided in these rules, each Agenda item shall be considered in the numerical order assigned by the City Clerk. Each Agenda item shall be separately announced by the presiding officer for purposes of discussion and consideration. To announce an item, it shall be sufficient to identify the item by the number assigned by the City Clerk, unless greater specificity is requested by some person in attendance. This rule shall not apply to consideration of items under Rule 54 or Rule 55 and may be adjusted in situations deemed appropriate by the City Clerk. The following is the order of business of the City Council at its meetings:

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Citizen Participation
5. Presentations
6. Approve Agenda/Consent Agenda
7. Public Hearings
8. Ordinances
9. Resolutions
10. City Staff Reports
11. Comments from Mayor and Council Members
12. Adjournment

The following is the order of business of the City Council at its work sessions:

1. Call to order
2. Roll call
3. Work Session Agenda Items
4. Adjournment

Part IV. Conduct of Meetings

Rule 24. Presiding Officer. The Mayor, or in the Mayor's absence or incapacity, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. If both the Mayor and Mayor Pro Tem are absent the most senior Council member present shall preside. In the event two or more members equally possess the

greatest seniority then the eldest person among them shall preside. The presiding officer is also known as the chair.

Rule 25. Control of Discussion. The presiding officer shall control discussion of the Council on each Agenda item to assure full participation in accordance of these rules.

Rule 26. Discussion. A Council member shall speak only after being recognized by the presiding officer. A Council member recognized for a specific purpose shall limit remarks to that purpose. A Council member, after being recognized shall not be interrupted except by the presiding officer to enforce these rules, or by another Council member raising a point of order.

Rule 27. Members May Speak – How Often. No member shall speak more than once on the same question until all other members desiring to speak have spoken.

Rule 28. Presiding Officer's Right to Enter into Discussion. The Mayor (or other presiding officer) may enter into any discussion.

Rule 29. Remarks to be Germane. Comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of comments. Members making personal, impertinent, or slanderous remarks may be barred, at the presiding officer's discretion, from further comment on the item under consideration.

Rule 30. No side conversations between members. Members shall not have side conversations with each other during any Council Meeting. Should a member of Council wish to share information with other members, that member should seek the recognition of the chair.

Rule 31. Profanity. No member shall use profanity while speaking in any Council Meeting.

Rule 32. Motive. No member shall question the motive of another.

Part V. Citizen Participation

Rule 33. Citizen's Right to Address Council. The City of Newton is supportive of citizen participation at City Council meetings. In order to ensure that citizen participation occurs in an orderly fashion, the guidelines below must be utilized by persons wishing to speak at the Council meeting. By following these guidelines, persons can be assured that their viewpoint, concerns and comments are brought to the attention of the Council members prior to and during their decision-making process.

Rule 34. Manner of Addressing Council. A person desiring to address the Council must first be recognized by the Mayor. After being recognized by the Mayor, speakers shall proceed to the podium, use the microphone, state his or her name, address, and group affiliation (if any), speak clearly and address his or her comments to the presiding officer.

Rule 35. Time Limit on Citizen's Remarks. Citizens shall be limited to three minutes speaking time per item. Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A three-fourths vote of the Council may extend the time limitations of this rule.

Rule 36. Remarks of Citizens to be Germane. Citizen comments must be directed to the subject under consideration and must be related to City policies or the provision of City services. If the presiding officer finds it appropriate, he or she may refer items not on the agenda to further study by City staff or to a City board or commission. Citizens making irrelevant remarks or who use profanity may be barred by the

presiding officer from further comment before the Council during the meeting. The presiding officer shall rule on the germaneness of citizen comments.

Part VI. Council Action

Rule 37. Call to Order. The Mayor or Mayor Pro Tem shall call the meeting to order at the appointed hour. In the absence of the Mayor and the Mayor Pro Tem the City Administrator shall call the meeting to order and a temporary presiding officer shall then be selected under Rule 24. The selected temporary presiding officer shall serve as successor Mayor Pro Tem for the meeting for purposes of being authorized to sign all measures passed and contracts approved at the meeting.

Rule 38. Roll Call. Before proceeding with the business of the Council, the City Clerk or the Deputy City Clerk shall call the roll call of members present, and enter those named in the minutes. The presiding officer shall determine the presence of a quorum as required by law and these rules.

Rule 39. Simple motion. Motions are the most typical action of the Council. Motions are used for routine actions, such as approval of minutes, and are effective immediately upon the vote of the Council. A simple majority of the council members present need to vote affirmatively to pass a motion. While the Mayor can veto an ordinance, resolution or an amendment to either an ordinance or resolution, there is no provision for a mayor to veto a simple motion.

Rule 40. Resolutions. Resolutions are statements of policy and have effect beyond that immediate moment as defined in Iowa Code Section 362.2(21). A majority of all council members means two-thirds of the City Council as a whole, or at least four votes.

Rule 41. Motion Required. All action requiring a vote shall be moved by a member of the Council.

Rule 42. Motions. Allowable motions include the following: 1) Motion to approve, 2) motion to amend, 3) motion to adjourn, 4) motion to recess, 5) motion to postpone to a certain time, 6) motion to postpone indefinitely, 7) motion to appeal the rule of the chair, 8) motion to suspend the rules, 9) motion to reconsider and 10) motion for the previous question. Form and example:

Motion to approve: I move the adoption of item 6b.

Motion to amend: I move to amend by inserting the words “and grade” after “purchase.” Discussion and a vote would then take place on the amendment, i.e. the addition of the words “and grade.” Whether the amendment is or is not adopted, a subsequent vote would be taken on the underlying item.

Motion to adjourn: I move to adjourn.

Motion to recess: I move that the meeting recess until 9:00 p.m. Or, I move to recess for ten minutes.

Motion to postpone to a certain time: I move to postpone the motion to the next meeting.

Motion to postpone indefinitely: I move that the item be postponed indefinitely.

Motion to appeal the rule of the chair: I appeal from the decision of the chair. If seconded, the chair shall clearly state the exact question at issue, the reason for his or her decision and states the question, "Shall the decision of the chair be sustained?"

Motion to suspend the rules: I move that the rules be suspended which interfere with ... [stating the object of the suspension].

Motion to reconsider: I move to reconsider the vote on the resolution relating to the annual banquet. I voted for [or against] the resolution.

Motion for the previous question: I move the previous question.

Rule 43. Motions – Requiring a second. No motion shall be debated until another member has seconded the motion. After a motion has been made, another member who wishes it to be considered says, "I second the motion," and may do so without obtaining the floor.

Rule 44. Must be read or stated before debate. After a motion is made and seconded, it shall be stated by the presiding officer before being debated.

Rule 45. Points of Order. Members of Council, who notice a breach of these rules, may raise a point of order to insist upon their enforcement. (If the presiding officer notices a breach, he or she corrects the matter immediately; but if he or she fails to do so, any member can make the appropriate point of order.) Points of order are ruled upon by the presiding officer. Points of order are not debatable.

Rule 46. Appeal from a Ruling of the Presiding Officer. Should there be an appeal from any ruling of the presiding officer, the question, "Shall the chair be sustained?" shall be immediately put and determined before the Council proceeds to other business.

Rule 47. Previous Question. Any member may move the previous question. The motion shall be restated by the presiding officer in this form: "Shall the question under immediate consideration be now put?" It shall only prevail when supported by three-fourths of the Council and until decided shall preclude debate. If the motion is sustained, the proponent of the matter under consideration shall have one minute in which to make a closing statement before the Council votes on the question. A failure to sustain the motion shall not take the matter under consideration from further consideration of the Council; but the Council shall proceed as if the motion had not been made.

Rule 48. Not debatable. The following motions shall be decided without debate: 1) motion to adjourn, 2) motion for the previous question, 3) motion to suspend the rules and 4) motion to recess.

Rule 49. Indefinite postponement. When a simple motion or resolution is postponed indefinitely, that item shall not be acted on again in the same calendar year except when supported by three-fourths of the Council. When an ordinance is postponed indefinitely, rules 59-63 apply.

Rule 50. Presiding Officer's Right to Speak Last. The presiding officer has the right to close debate and speak last on any item.

Rule 51. Closing Debate. Discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council. Except as provided by Rule 24, a call for the vote shall not close discussion if any member of the Council still wishes to be heard.

Rule 52. Motion to Reconsider. A motion to reconsider must be made by a Council member who was on the prevailing side in the original action or by a Council Member absent at the time of the original action, provided said Council member made the motion at the next Council Meeting that Council member attended.

Rule 53. Call for Vote. At the conclusion of debate the presiding officer shall call for a vote, provided however, a majority of the Council may require a vote at any time.

Rule 54. Separate Consideration. Except as otherwise required by these rules each Agenda item shall be voted upon separately and each separate vote shall be recorded by the City Administrator.

Rule 55. Action on Consent Agenda. Except as herein provided the "Consent Agenda" shall be considered in bulk and voted upon in single motion. Each Council Member shall notify the City Clerk about any matter on the "Consent Agenda" upon which he or she wishes to consider independently from the consent agenda. At the time of consideration of the "Consent Agenda" the presiding officer shall announce the items upon which Council members will consider independently. The City Clerk or Deputy City Clerk, on all matters contained in the "Consent Agenda," shall record the yes and no votes on each item separately as if each item had been moved and voted upon separately. Rule 15 shall not apply.

Rule 56. Action to Multiple Items. With the consent of three-fourths of the Council, Rule 49 hereof notwithstanding, the Council may consider for voting purposes more than one item, but in such event the vote upon each item will be separately recorded by the City Clerk or Deputy City Clerk noting specific yes or no votes of each Council member on each item.

Rule 57. Recording Names of Moving Members. The City Clerk or the Deputy City Clerk shall record the name of the Council Member making and seconding each motion.

Rule 58. Consideration of Matters Not on Agenda. Except as to matter which by law require the publication of notice before consideration by the Council any member of the Council may, at the close of the regular Agenda, bring a matter not on the Agenda to the Council's attention. Council may not act upon such matters, rather direct such matter be included upon a later Agenda.

Part VII. Ordinances

Rule 59. Three Meetings. A proposed ordinance or amendment must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths of the Council members. (City Code Chapter 30.075)

Rule 60. Time for Consideration. No more than three months shall elapse between the time of introduction and final passage of an ordinance or amendment. If final approval is not secured within the time allowed herein, the ordinance shall be deemed to have failed. (City Code Chapter 30.076)

Rule 61. Failure on First Consideration. If a proposed ordinance is not approved on its first consideration, it shall be deemed to have failed and may not be considered for second consideration or final passage. (City Code Chapter 30.077)

Rule 62. Failure on Second Consideration. If a proposed ordinance is not approved on its second consideration it may be brought up for third consideration only if a request is made by a Council member to place the matter on the agenda for the next meeting. Such request must be made and entered of record at the same meeting at which the second consideration was given. (City Code Chapter 30.078)

Rule 63. Changes during Consideration. A minor change or technical correction which does not significantly change or alter the application or impact of a proposed ordinance may be made during its passage. (City Code Chapter 30.079)

Part VIII. Miscellaneous

Rule 64. Motions. At any appropriate place on the Agenda any member of the Council may make a motion for the Council to act upon any matter if the motion is germane to the matter under consideration.

Rule 65. Waiver of Ordinance Readings. A Council member may move the final passage of an ordinance, with waiver of first or second consideration of the ordinance or waiver or both, by simply stating, "I move to waive the second (and/or third) consideration of the ordinance."

Rule 66. Name of Sponsor on Roll Call. Any time these rules require an action to be sponsored by a Council member, the City Clerk shall note the name of the sponsoring Council member on the face of the roll call for said item.

Rule 67. Suspension of Rules. These rules or any part hereof, may be suspended for a specific purpose by a vote of three-fourths of the Council.

Rule 68. Hearings. Any other rule to the contrary notwithstanding, unless required by statute or necessary to conform to proceedings required for a special purpose, a hearing shall commence when declared open by the presiding officer and shall close when closed by the presiding officer or by other formal action of the Council.

Rule 69. Informal Requests. A member of the Council, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations or the opinions of the City Attorney, City Administrator or any City employee.

A brief history of Adel...

Adel was incorporated as a town on April 10, 1856 and it has been a thriving community ever since.

Adel is home to United Brick & Tile, a large manufacture of clay bricks, and the Dallas County Court House. The court house, modeled after a French Chateau, was built in 1902 and is the focal point of the charming brick street lined square.



Today Adel is home to more than 3,500 residents and is situated less than 20 minutes from the Des Moines Metropolitan area.

The City of Adel has a Mayor / Council form of government. The Council consists of five members serving 4-year terms, and a mayor serving 2-year terms. The City Administrator serves at the pleasure of the Council. The department directors report to the City Administrator. The Chief of Police reports directly to the Mayor.

*Embracing our History,
Celebrating our Past!*



A guide to City
Council meetings.



301 South 10th Street

Adel, IA 50003

515-993-4525

www.adeliowa.org

City of Adel
301 South 10th Street
Adel, IA 50003

Introduction

We appreciate your interest in the City of Adel and welcome your presence at City Council meetings.

The purpose of this pamphlet is to acquaint you with the structure and operational procedures of your city council. It also informs you of the approved procedure to address the city council and to placing items on the agenda. **While this is a meeting held in public, it is not a public forum.**

Rules of Procedure

Agenda - All written petitions, communications and other matters to be submitted to the City Council for inclusion in the agenda packet should be delivered to City Hall by the close of business on the Thursday preceding a council meeting. The City Administrator, in consultation with the Mayor, City Clerk, and department heads will establish the agenda and order of items.

Council Meetings - The Council shall meet on the second Tuesday of each month to consider items of business and matters related to policies pertaining to the City. Meetings may be changed to other dates due to conflicts and the Council may also meet additional dates for the purpose of conducting workshops or to hold special hearings. All meetings will be held in the Council Chambers unless otherwise specified. It is the responsibility of the Council to set City policy. It is the responsibility of the administration to carry out that policy.

For the consideration of others, please turn all electronic devices to vibrate or off during council meetings.

Decorum in Council Meetings - While the

Council is in session, all persons shall preserve order and decorum. Any person making personal, impertinent or slanderous remarks, or becoming boisterous shall be barred by the presiding officer from further attendance at said meeting unless permission for continued attendance is granted by a majority vote of the Council.

- ♦ We may disagree, but we will be respectful of one another.
- ♦ All comments will be directed to the issue at hand.
- ♦ Personal attacks will be avoided.

Procedure for Addressing the City Council

If a citizen has a question about the operation of the City, he or she is encouraged to contact the City Administrator. If satisfaction is not obtained, the citizen is encouraged to call a council member. If the issue is still unresolved it should come before the full Council.

While it is not the Council's intent to stifle public participation in its meetings, it is apparent that if the Council is going to complete its agenda within a reasonable time and in a business like manner, it will be necessary to implement formal operational procedures for meetings.

- A citizen wishing to make a brief statement to express a view point or ask a question is welcome to do so during the public comments portion of the meeting.
- When called upon, the person wishing to speak will stand and state their name and then state their concern.

- The Council can best proceed to conduct their business without undue interruptions or other interference. The Mayor or presiding officer has the right and obligation to terminate prolonged or irrelevant speeches or discussions.
- If it appears there is much interest in one particular agenda item, the Mayor may call for a special meeting to discuss that one item.

Council Action

The City Council will not take official action on items discussed during the Public Comments section of the agenda, except to refer items to city staff or commission for a future report. Council members may ask questions for clarification purposes, but they may wish to investigate or research issues before responding. Council or staff will respond at a later date by letter or in person.

City Council Members

The council consists of five (5) council persons elected at large for overlapping terms of four (4) years.

City Council

Jim Peters—Mayor	2012
Jon McAvoy, Mayor Pro Tem	2014
Dale Swanson	2014
Michael Haynes	2012
Don Price	2012
Arthur S. Kirk	2012

Staff

Chad Bird	City Administrator
Mary Sue Hibbs	City Clerk
Jim McNeill	Police Chief
Matt Ireland	Fire Chief
Paula James	Library Director

**CITY COUNCIL RULES
CITY OF NORTH LIBERTY, IOWA**

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PART I. GENERAL

1. AUTHORITY

Iowa Code Section 372.13 provides that the City Council shall determine its own rules of procedure. The following set of rules shall be in effect upon adoption by the Council until such time as they are amended or new rules adopted.

2. GENERAL RULES

- A. Public Meetings.** All official meetings of the Council shall be open to the public except those that are specifically designated as closed session. Regular Council meetings shall be held in a building or room that is accessible to persons with disabilities, which is usually the North Liberty City Council Chamber. For Council meetings held in part or in whole at other locations for any purpose, that meeting space shall be accessible to persons with disabilities to the maximum extent possible.
- B. Quorum.** A majority of the members of Council shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance may elect to discuss items but not take official action except to adjourn to a later date.
- C. Minutes.** An action set of minutes of all proceedings of the Council shall be kept by the City Clerk and shall be entered in the official record of the Council. Minutes of the proceedings shall be open to public inspection except those of closed sessions. Minutes shall be published in a newspaper of general circulation within fifteen (15) days of the Council meeting, as required by the Code of Iowa. These shall show the headings and actual votes. The records, including any audio or video recordings, will be available for public use upon request, except the sealed recordings and minutes of closed sessions. Records of Council meetings will be retained in the City Clerk's Office for at least five (5) years after the meeting. Closed session recordings are retained as required by State law and for purposes of preserving evidence when litigation is pending.
- D. Right of Floor.** Any Council member desiring to speak shall be first recognized by the Mayor, unless making or seconding a motion. Each member should attempt to confine his or her remarks to the subject under consideration.
- E. City Administrator.** The City Administrator or designee shall attend all meetings of the Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and take part in discussions but shall have no vote.
- F. City Attorney.** The City Attorney or designee shall attend all meetings of the Council unless excused by the Mayor or the City Administrator and shall, upon request, give an opinion, either written or oral, on any question of law. The City Attorney shall act as the Council's parliamentarian.
- G. City Clerk.** The City Clerk or designee shall attend all meetings of the Council unless

excused by the Mayor or the City Administrator and shall keep the official minutes and perform such other duties at the meeting as may be requested by the Council.

- H. City Employees.** Department heads or other designated employees of the City, when there is pertinent business from their departments on the Council agenda, shall attend the Council meetings upon request of the Mayor or City Administrator.

3. TYPES OF MEETINGS. Notice of all Council meetings shall be given in compliance with the requirements of Iowa Code Section 21.4. A tentative agenda of each Council meeting will be delivered to the Council members electronically, personally or at the usual place of residence or place of employment of each member of the City Council, as requested by each member, a minimum of twenty-four (24) hours in advance of the meeting.

- A. Regular Meeting.** The City Council shall meet in the Council Chambers for regular Council meetings. The regular Council meetings will be held the second and fourth Tuesdays of every month unless otherwise designated by the Council. There will be no Council meeting on holidays that fall on a Tuesday, unless so designated by the Council.

- B. Work Sessions.** The Council may meet informally as needed in work sessions which are open to the public. Starting times will be dependent on the number of items scheduled for discussion. The purposes for work sessions are varied, including but not limited to budget sessions, joint meeting, reviewing upcoming programs, receiving progress reports on current programs, receiving information from the City Administrator, or discussing other matters of concern as expressed by the Council. Discussions and conclusions will be considered informal and shall require formal action to be taken at a regular Council meeting.

- C. Special Meetings.** Special meetings may be called by the Mayor or by a majority of the members of the Council.

- D. Closed Sessions.** Iowa Code Sections 20.17, 21.5 and 21.9 permit closed sessions for certain specified reasons. A vote to go into a closed session requires an affirmative vote of either two-thirds of the Council members or all of the members present at the meeting. Any formal action shall be taken by motion or resolution adopted in open session.

4. MEDIA COVERAGE OF COUNCIL MEETINGS

- A. Open Meetings.** All official meetings of the City Council shall be open to the public and the media. All meetings shall be subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

- B. Agendas.** Any media so requesting will receive agendas at least twenty-four (24) hours prior to Council meetings.

5. MAYOR'S DUTIES

- A. Chairperson.** The Mayor, if present, shall preside as chairperson at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside as chairperson. In the absence of both the Mayor and the Mayor Pro Tem, the Council shall elect a chairperson.
- B. Call to Order.** The meetings of the Council shall be called to order by the Mayor. In the absence of both the Mayor and Mayor Pro Tem, the meeting shall be called to order by the City Administrator, whereupon the Council shall elect a temporary chairperson.
- C. Preservation of Order.** The Mayor shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion.
- D. Points of Order.** The Mayor shall determine all points of order, subject to the right of any member to appeal to the parliamentarian.
- E. Action by Motion.** Action items are subject to a vote by the Council if one Council member makes a motion and another Council member seconds the motion. Before calling for a vote, the Mayor shall ensure any motion before the Council is clear to the Council, staff and the public.
- F. Substitution for Chairperson.** The Mayor will call on the Mayor Pro Tem or, if unavailable, any other member to temporarily chair the meeting if the item in question presents a conflict of interest or in the Mayor's temporary absence from the meeting. The substitution shall not continue beyond adjournment.

6. ORDER OF BUSINESS AND AGENDA

- A. Agenda.** The order of business of each meeting shall be as contained in the agenda as prepared by the City Administrator, subject to approval of the Mayor. The agenda shall be a listing by topic of subjects to be considered by the Council and shall be delivered to members of the Council at least twenty-four (24) hours preceding the meeting to which it pertains. A copy of the agenda will also be posted for the public notice at least twenty-four (24) hours in advance, made available on the City's website, and provided to the local media.
- B. Order of Business at Council Meetings.** The order of business may be changed through a consensus of the City Council. The general rule as to the order of business in regular meetings shall be as follows:
 - (1) Call to order.
 - (2) Approval of the agenda.

- (3) Consent agenda. A single motion to approve all items on the consent agenda (motions that do not require a public hearing or discussion) will be made. Any council member may request a separate vote on any item on the consent agenda. No vote on such a request is required.
- (4) Public comment. Citizens may appear personally before the Council to raise issues.
- (5) Staff reports.
- (6) Agenda items of particular importance that will likely lead to public attendance or outside entities making reports or presentations.
- (7) Public hearings for ordinances and resolutions. After all citizen input has been received, the Mayor can choose to close the hearing, and then the Council may either vote on the item or defer consideration to a future meeting. If the Council expects or desires future input, the public hearing can be continued.
- (8) Discussion items.
- (9) Approval of ordinances and resolutions not requiring a public hearing.
- (10) Old and new business. These agenda items shall provide a time when the Mayor or any Council member may bring before the Council any business that he or she feels should be discussed by the Council as a whole. This may, for example, include asking that a new issue be considered at a future meeting, requesting an update from staff on a project, or discussing an administrative concern. However, no matter raised under old or new business shall be deliberated or acted upon by the Council.
- (11) Adjournment.

C. Adding Items to the Agenda. During a meeting neither Council nor staff will add items to the agenda unless there is an emergency. Non-emergency items shall be deferred until a subsequent Council meeting. If the matter requires immediate Council attention, the Council may:

- (1) Entertain a motion by any Council member to waive the rules and to allow consideration of a specific, additional agenda item. Both waiving the rules and voting on the item can be done as a single motion. If fewer than four members agree to waive the rules, the item will not be added and will have to be considered at a later Council meeting.
- (2) Give administrative direction to staff to handle the matter.

7. ORDINANCES, RESOLUTIONS, AND MOTIONS

- A. **Form of Paperwork.** Ordinances and resolutions will be presented to the Council in typewritten form.
- B. **Expenditures.** For any expenditure of City funds, the exact source of the funds to be expended will be identified by the City Administrator.
- C. **City Attorney to Approve.** All ordinances are subject to approval as to form and legality by the City Attorney. All resolutions are subject to approval as to form and legality by the City Attorney, if requested by any Council member, the Mayor or the City Administrator in advance of the meeting.
- D. **City Administrator to Review.** The City Administrator will review all proposed ordinances and resolutions prior to their being submitted to the Council and will provide a recommendation concerning each ordinance and resolution.
- E. **Approval of Ordinances.** Ordinances require three separate considerations of the City Council at three separate meetings. However, a motion can be made to waive the separate readings requirement and allow the second and third considerations of the ordinance at the same meeting as the first consideration if included on the agenda. Then a vote will be taken on the motion to waive the rules and allow the second and third considerations. If that motion is approved by at least four members of the Council, then the subsequent readings will be considered separately. Upon being introduced, each proposed ordinance shall be read by title only, unless any member of the Council requests a full reading of the ordinance.
- F. **Recording of Votes.** Affirmative and negative votes shall be recorded upon action on all ordinances and resolutions and entered upon the official record of the Council. The outcome of a vote on a motion shall be announced by the Mayor and recorded by the Clerk. If the Mayor or any Council member requests a roll call vote on a motion, the vote shall be done and recorded by the Clerk accordingly.
- G. **Majority Vote Required.** An affirmative vote of at least three Council members shall be necessary to pass an ordinance or resolution. When any vote is called, each Council member shall respond as follows: "yes (aye)," "no (nay)," or "abstain." If a Council member abstains, the reason for the abstention shall be stated at the time the vote is cast. The "abstain" vote of a Council member shall have the effect of a negative vote unless the Council member states he or she has a conflict of interest. In the case of a conflict of interest, the number of votes to approve any action is recalculated. For example, if two Council members had a conflict of interest, an item could pass on a two to one vote.
- H. **Votes Required When Two Council Members Are Absent.** If two Council members are absent, Council has the following options:
 - (1) Approve all ordinances and resolutions on the agenda by all three members voting

aye.

- (2) Two members can choose to table an item by approval of a motion until such time as all members are present. This would be a majority of the quorum.
- (3) If only one or two members vote aye and the rest nay, the item will be considered to have failed.
- (4) Motions can be decided by a majority of the members present.

I. Votes by Absent Council Members. An absent Council member may not participate in any City Council meeting except by electronic means as provided by state law and city code. Such participation is limited to circumstances where meeting in person is impossible or impractical. Further, any member participating by electronic means should be able to fully participate in the entire meeting if that member intends to cast any votes..

J. Numbering of Ordinances, Resolutions, and Motions. A number shall be assigned to each ordinance and resolution by the City Clerk.

K. Ordinance and Resolution Passage Procedure. When passed by the Council, an ordinance or resolution shall be signed by the chairperson conducting the meeting and be attested by the City Clerk. It shall be immediately filed and thereafter preserved in the office of the City Clerk.

L. Agenda Requests. Any member of the Council may request the Mayor or City Administrator to place on the agenda of the next scheduled Council meeting an ordinance, resolution, or motion on a matter within the Council's policy-making or oversight duties, unless the action is subject to the rules regarding reconsideration. Items requested to be included on the agenda must be filed with the City Administrator by noon on the Wednesday preceding the Council meeting. The Mayor, after considering any requests for agenda items and after consulting with the City Administrator, shall approve the tentative agenda. If two or more Council members request that an item be included on the agenda, the item should be on the agenda for at least discussion at one of the next two regularly scheduled meetings.

M. Publications. All minutes, ordinances, and notices will be published as required by the State law.

8. CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS

A. Committees, Boards, and Commissions. The Mayor and the Council may create committees, boards, and commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify if consistent with the Code of Iowa and the City's Code of Ordinances.

B. Membership and Selections. Membership and selection of members shall be as

provided by the Mayor and the Council if not specified by the Code of Iowa or the Code of Ordinances. No committee so appointed shall have powers other than advisory to the Council or the City Administrator, except as otherwise specified by the Code of Ordinances or the Code of Iowa.

C. Removal of Members of Boards and Commissions. If the Mayor or the Council wishes to remove an appointee, they shall follow the procedures required by State law.

D. Abolishment of a Board or Commission. The abolishment or modification of a board or commission shall be done in accordance with applicable State law.

9. INCONSISTENT ACTIONS AND AMENDMENT OF THESE RULES

A. Inconsistent Actions. If the Council takes an action inconsistent with these rules but in compliance with the applicable section(s) of the Iowa Code and if the action is taken without objection by any Council member, the action taken shall be deemed a lawful and an official action of the City Council.

B. Amendment of These Rules. These rules may be amended or new rules adopted, by majority vote of all members of the Council at a meeting at which all Council members are present and should, at a minimum, be reviewed every two (2) years.

PART II. PUBLIC PARTICIPATION IN MEETINGS

1. GENERAL. One of the goals of the City Council Rules is to create an atmosphere where the Council members and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is the responsibility of the Mayor, the Council members, City staff, and members of the public to maintain common courtesy and decorum throughout any meeting.

A. Members of the public have the right to attend City Council meetings, subject to certain conditions and limitations.

B. The Council meeting space will, to the extent possible, be arranged so that all interested persons can observe the meeting and hear all Council discussions and votes.

C. The Mayor, Council members, City staff and members of the public should speak one at a time in a civil and courteous manner so as to be heard by all persons in attendance.

D. All cell phones or other communication devices should be silenced during Council meetings. No one should take a voice phone call during a Council meeting without first leaving the chambers and closing the chamber doors behind him or her.

2. ROLE OF THE MAYOR. The Mayor should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question. The Mayor should also keep in mind that:

- A. Debate on policy is healthy; debate on personalities is not. The Mayor has the right to cut off discussion that is too personal, too loud, inappropriate, or repetitive.
 - B. It is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Mayor before proceeding to speak.
3. **PUBLIC PARTICIPATION.** All those attending are asked to observe the following when speaking:
- A. Only persons recognized by the Mayor will be allowed to speak.
 - B. A person recognized to speak should approach the microphone, state his or her name and address, and make his or her statement or question, preferably as briefly as is possible but taking no more than five (5) minutes.
 - C. All remarks shall be addressed to the Council as a body and not to any member specifically. Persons should not engage individual council members in a discussion, except as permitted by the Mayor
 - D. A person recognized to speak should maintain a courteous and polite demeanor as well as refrain from using inappropriate, combative, profane or abusive language, or attacking the character of City officials and employees in a personal manner.
 - E. Persons may address the Council for the reading of protests, petitions, or communications relating to any matter over which the Council has jurisdiction. When anyone appears before the Council stating he or she has a petition, the Mayor will accept the petition and the minutes will reflect that action.
 - F. A person should not address the Council about issues that are known to be within the responsibility of other City staff/officials and have not been previously presented to that responsible party.
 - G. Persons should not engage other members of the public while addressing the Council.
 - H. Individual Council members may ask questions of or engage in conversations with the public audience only when recognized by the Mayor. However, Council members may, in their individual discretion, make themselves available to persons attending the meeting before or after the Council meeting.
4. **HANDLING REQUESTS DURING MEETINGS.** If the Council chooses to take action on a citizen's request, the Mayor or the Council can:
- A. Give administrative direction to the City Administrator to resolve the matter.
 - B. Defer official action to the next regularly scheduled Council meeting.

- C. Waive the rules and add an item to the agenda for official Council action, but this method should not be used unless Council deems the matter to be an emergency.
- 5. **PUBLIC HEARINGS.** Public hearings are held when included on the agenda. When recognized, members of the public may address the Council, in the manner described above, on the particular subject of the public hearing before the Council.
- 6. **RECESS.** The Mayor has the discretion to recess a meeting at any time and shall determine the length of the recess.

PART III. PROCEDURE

1. MOTIONS IN GENERAL.

- A. Motions are the vehicles for decision-making. It is usually best to have a motion before the Council prior to discussing an agenda item in order to help the members focus on the issue before them. Motions are made in a simple two-step process. First, the Mayor recognizes the member. Second, the member makes a motion by preceding his or her desired approach with the words: "I move" A typical motion might be: "I move that we give ten days' notice in the future for all our meetings."
- B. Any motion made by a member must be seconded by another member. Otherwise the motion fails.
- C. The Mayor may initiate the motion by:
 - (1) Inviting the members to make a motion: "A motion at this time would be in order."
 - (2) Suggesting a motion to the members: "A motion would be in order that we give ten days' notice in the future for all our meetings."

2. THE FOUR BASIC MOTIONS.

A. Common Motions. Four motions are the most common:

- (1) The basic motion. The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan the annual fundraiser."
- (2) The motion to amend. If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a ten-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

- (3) The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year.
 - (4) The motion to table. The motion may contain a specific time at which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to bring the item back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.
- B.** Motions to amend and substitute motions are often confused. A motion to amend seeks to retain the basic motion on the floor but to modify it in some way. A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it. The decision as to whether a motion is really a motion to amend or a substitute motion is left to the Mayor. If a member makes what that member calls a motion to amend, but the Mayor determines it is really a substitute motion, the Mayor's designation governs.
- 3. MULTIPLE MOTIONS.** Up to three motions may be on the floor simultaneously. The Mayor may reject a fourth motion until the three that are on the floor have been resolved.
- A.** When two or three motions are on the floor (after motions and seconds) at the same time, the first vote should be on the last motion made. For example, assume the first motion is a basic motion to have a five-member committee to plan the annual fundraiser. During the discussion of this motion, a member might make a second motion to amend the main motion to have a ten-member committee, not a five-member committee, to plan the annual fundraiser. And perhaps, during that discussion, a member makes yet a third motion as a substitute motion that we not have an annual fundraiser this year.
- B.** The proper procedure would be as follows.
- (1) The Mayor would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken on the third motion. If the substitute motion passes, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions.
 - (2) If, however, the substitute motion (the third motion) failed, the Mayor would proceed to consideration of the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or ten members). If the motion to amend passed, the Mayor would then ask the Council to consider the amended motion. If the motion to amend failed, the Mayor would ask the Council to

consider the main motion (the first motion) in its original format, not amended.

- (3) Finally, the Mayor would deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (ten-member committee), and the question on the floor for discussion and decision would be whether a committee should plan the annual fundraiser.

4. **DEBATE.** The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Mayor that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are not debatable, so when the following motions are made and seconded, the Mayor should immediately call for a vote of the Council without debate on the motion:

- A. **Motion to Adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- B. **Motion to Recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the Mayor determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.
- C. **Motion to Fix the Time to Adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.
- D. **Motion to Limit Debate.** The most common form of this motion is to say: "I move the previous question," or "I move the question," or "I call for the question." When a member of the body makes such a motion, the member is really saying, "I've had enough debate. Let's get on with the vote." When such a motion is made, which may but does not have to include a time limit, the Mayor should ask for a second to the motion. If a second is received, the Mayor should stop debate and the members should vote on the motion to limit debate. Because this action effectively cuts off the ability of a minority opinion to take an action or discuss an item, this motion requires a two-thirds vote of the body.
- E. **Motion to Object to the Consideration of a Question.** Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of the Council do not even want an item on the agenda to be considered, then such a motion is in order. Because this action effectively cuts off the ability of a minority opinion to take an action or discuss an item, this motion requires a two-thirds vote of the body.

5. **MOTION TO SUSPEND THE RULES.** This motion is debatable but requires a two-thirds vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. The vote on any such suspension shall be taken by roll call and entered upon the record.

6. **MOTION TO RECONSIDER.** There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made. A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

A. First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider at the same meeting can be made at any time before adjournment. A motion to reconsider made at a later time is untimely.

B. Second, a motion to reconsider may be made only by certain members of the Council. Accordingly, a motion to reconsider may be made only by a member whose vote was consistent with the outcome. In the case of all five members voting, it is a member of the majority. In the case of three or four members voting, it is a member whose vote would result in a different outcome. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the Council may second the motion). If any other member seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Council again and again, which would defeat the purpose of finality.

C. If the motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

D. Once a matter has been duly reconsidered, no further motion to reconsider the issue can or shall be made without the unanimous consent of the council.

7. **LIMITING DEBATE AND DISCUSSION.**

A. Debate and discussion should be focused, but free and open. At the same time, the Mayor may limit the time allotted to speakers, including members of the Council, in the interest of efficiently and effectively using time.

B. Generally, a Council member will not be interrupted by other council members but may be under the following circumstances:

- (1) Privilege. The proper interruption would be: "Point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of

privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

- (2) Order. The proper interruption would be, "Point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting, for example, if the Mayor moved to a vote on a motion that permits debate without allowing that discussion or debate.
- (3) Appeal. If the Mayor makes a ruling with which a member of the Council disagrees, that member may appeal the ruling of the Mayor to the parliamentarian.
- (4) Call for Orders of the Day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the Council has drifted from the agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the Council to return to the agenda item properly before them.
- (5) Withdraw a Motion. During debate and discussion of a motion, the maker of the motion on the floor may, at any time, interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Mayor may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

City of Washington



City Council Rules of Procedure

July 2015

(Iowa Municipal Policy Leaders' Handbook References updated November 2015)

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**RULES OF PROCEDURE FOR
CONDUCT OF CITY COUNCIL BUSINESS
FOR THE CITY OF WASHINGTON, IOWA**

I. THESE RULES OF PROCEDURE

(Reference Code of Iowa Chapter 372.13(5))

The Council wishes to determine written rules of its own proceedings, and the Clerk shall keep these rules on file for public inspection. The portions of these rules related to public comments shall be prepared in summary form and be made available at each regular Council meeting for the review of any members of the public intending to make public comments. Additional helpful references for the conduct of these rules of procedure are the most recent edition of the Iowa Municipal Policy Leaders' Handbook and the most recent edition of Robert's Rules of Order.

II. MEETING DATES OF THE CITY COUNCIL

All regular meetings of the Washington City Council shall be held at the Council Chambers at the Former Public Library, 120 East Main, at 6 PM on the 1st and 3rd Tuesdays of the month, as set by Council resolution, unless the Council determines to hold a regular meeting at a different location by resolution. Workshops and/or Special Meetings will typically be held in the Nicola-Stoufer Room of the Washington Free Public Library, 115 West Washington Street. Workshops will typically be held on the 4th Tuesday of the month at 6 PM, but this may differ depending on the time of the year and can be set by general agreement of the Council and given proper notice provided to the public and media of the meeting date, time and location.

III. PRESIDING OFFICER

The Mayor (or in the Mayor's absence, the Mayor Pro Tem) shall be the presiding officer of the Council. In the absence of the Mayor and the Mayor Pro Tem, the City Clerk shall call the council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Mayor Pro Tem, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. The presiding officer's name shall be called last on any question in voting. For purposes of this document, the term "Mayor" will refer to the elected Mayor only, while the term "presiding officer" will refer to the chair of a particular City Council meeting, whether that individual is the elected Mayor or not.

IV. QUORUM

Four (4) out of the total six (6) members of the City Council constitute a quorum to do business. When there is no quorum, the presiding officer shall adjourn the meeting. If no presiding officer is present, the City Clerk shall adjourn the meeting.

V. COUNCILOR NON-ATTENDANCE

Councilors who are unable to attend a scheduled meeting shall contact the Mayor, City Administrator or City Clerk by phone or email as far in advance of the meeting as possible and state the reason for their inability to attend the meeting. In the case where an absence is not communicated in advance and the Council does not have the necessary quorum to proceed with the meeting due to other absences, the presiding officer shall cause the absent Councilor to be contacted and advised that their presence is necessary. An absent Councilor in this situation will make every reasonable effort to come to the meeting.

VI. AGENDA PREPARATION

All written petitions, communications and other matters to be submitted to the City Council for inclusion in the agenda packet for consideration at a scheduled regular, special, or other meeting should be delivered to the City Clerk no later than Noon on the Friday preceding the meeting. The Mayor is responsible for oversight of the preparation of the agenda, with agenda packet materials to be prepared by staff under the guidance of the City Administrator and City Clerk.

The Mayor, City Administrator, City Clerk, City Attorney, or a Councilor may add items to the agenda, which will typically be prepared by the City Clerk. Except for the circumstance described in the following paragraph, the Mayor may order any item to be deleted from the agenda.

If the Mayor believes a Councilor's agenda request is unreasonable, detrimental or out of order, the Mayor will inform the requesting Council Member that a second Council Member's support is required, and will also make the City Administrator aware of this request for agenda preparation purposes. This concurrence of a second member must be communicated to the City Administrator directly by the concurring Councilor or by the Mayor no later than Noon on the Friday prior to the meeting.

Notwithstanding the paragraph above, the City Council shall have the authority to delete any items from the agenda and change the order of items on the agenda during the meeting by majority vote.

The City Clerk shall compile the agenda, listing all matters to be considered by the Council according to the order of business. A copy of the agenda, complete with all accompanying staff reports and other background materials, shall be known as the agenda packet. The agenda packet for any regular council meeting shall be delivered electronically to each Council Member, the Mayor, City Attorney, and City Administrator no later than the Friday preceding the meeting. If a recipient of the packet wishes to have a paper copy of the packet, they will inform the City Clerk of this preference, and a paper copy will be prepared for each subsequent meeting unless the recipient advises differently. Paper packets will be available for pick up at City Hall. The agenda packet shall be posted on the City's website no later than the Friday preceding the meeting, and the agenda posted at City Hall and distributed to the appropriate media outlets. In the event that staff needs to provide materials on agenda items after agenda packets are distributed, these materials will be emailed out to Councilors as far in advance of the meeting as possible, with paper copies available at the meeting, and will be posted on the City website as an agenda packet supplement. Staff will make efforts to minimize the need for agenda packet supplements to the greatest extent possible.

It is the duty of each official to review and familiarize themselves with the contents of the agenda packet prior to the meeting. To the greatest extent possible, the Mayor or Councilors shall submit

questions concerning the minutes of a meeting, the claims and payroll, an agenda item or any supporting documentation for an agenda item by phone, e-mail or in person to the City Administrator, City Clerk, or Finance Director (as appropriate) for research, explanation or correction prior to 12:00 PM (noon) on the day of the meeting. If such a question is posed to the City staff for the first time at the meeting of the Council at which such matter is being considered, it shall be appropriate for the presiding officer, without further motion, to declare such question to be out of order, or to remove such item from the agenda and postpone consideration to a day certain to afford time for such research as may be necessary.

VII. LENGTH OF MEETING

The length of any meeting shall be limited to three hours, and all officials involved will make an effort to have efficient meetings, while ensuring time for necessary dialogue and public comment. No new item of business shall be taken up by the City Council after the conclusion of three hours, unless this limitation is extended for any particular meeting by a majority vote to suspend the rules and extend the meeting by the time required. In the event it appears that the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular meeting unless the Council directs otherwise.

VIII. CONDUCT OF BUSINESS

Order of Business

The recommended order of business for a regular council meeting shall be as follows:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Agenda Approval
- Consent Agenda
- Claims and Financial Reports
- Special Presentations
- Public Comment
- Unfinished Business
- New Business
- Consideration of Hearings, Ordinances & Resolutions
- Departmental Reports
- Mayor and Council Reports
- Closed Session (if needed)
- Action Related to Closed Session (if needed)
- Adjournment

The City Clerk, in preparing the agenda, shall have the authority to vary from this recommended schedule to expedite the conduct of business or accommodate persons having business to be considered by the Council. Likewise, the presiding officer shall have the authority to request the Council change the order of agenda at the meeting for the same reasons.

Special Meetings & Workshops

Special meetings will be set by the Mayor, City Administrator, or at the request of three (3) Council Members during an open council session. Every notice (agenda) for a special meeting will state the public's right to address the Council on the item(s) appearing on that agenda.

At workshop meetings the Council will receive information and presentation of issues from the City Administrator, City staff and/or the City Attorney and engage in in-depth discussion, but typically not final action, on matters of importance. Council may direct that matters under consideration be brought forward for formal action at a regular meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before a matter is considered further.

Closed Session

(Reference Code of Iowa, Chapter 21.5)

A closed session may be held only by an affirmative vote of four of the six Councilors (2/3 majority of the full Council). The City Council may hold a closed session only to the extent a closed session is necessary and for the discussion of any statutorily authorized purpose as referenced in the Code of Iowa, Chapter 21.5, and only after the City Attorney has verbally (if present at the meeting) or submitted in writing (if not present at the meeting) his/her interpretation that entering into closed session is allowable by law for the topic at hand.

The vote of each member on the question of holding the closed session and the reason for holding the closed session shall be announced publicly at the open session and entered into the minutes. Final action on any matter will be taken in open session. Minutes and an audio recording will be kept of the closed session, and handled in the manner described in detail in Iowa Code 21.5(4).

Electronic Meetings

The Council may allow a City elected or appointed official to participate in a meeting by electronic means only in circumstances where that person's physical attendance is impossible or impractical and only if the electronic participant can be heard by all in attendance at the meeting and can hear the full proceedings of the meeting.

IX. DECORUM DURING COUNCIL MEETINGS

Requirements

While the Council is in session, all persons shall preserve order and decorum. Any person that refuses to abide by the rules shall be asked to leave the Council Chambers.

Every member of the public, staff or Council desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate:

- We may disagree, but we will be respectful of one another.
- All comments will be directed to the issue at hand.

- Personal attacks will not be tolerated.

City officials should utilize microphones, when available, and should speak in a clear and audible tone to ensure they can be heard by all in attendance at meetings.

Use of Electronic Devices

City officials are to recognize that use of electronic devices to communicate with other City officials or members of public (i.e., texting) during a meeting on topics being considered may constitute a violation of Iowa's open meetings law, and this activity is prohibited.

Strategies for Council Effectiveness

Councilors individually and as a group are to recognize and internalize, to the extent possible, the following proven strategies for Council effectiveness:

1. Work toward Council improvement.
2. Exercise appropriate authority.
3. Connect to the community.
4. Enhance teamwork.
5. Develop effective decision-making.
6. Act strategically.

Additional detail on these strategies may be found in the Iowa Municipal Policy Leaders' Handbook, pages 47-48 (2016 Edition).

X. RULES OF DEBATE

Presiding Officer

The Mayor as presiding officer may comment during debate, while keeping in mind the spirit of the guidance presented in Robert's Rules of Order as to the role of the presiding officer. The Mayor as presiding officer may not make a motion or vote, except to break a tie on a simple motion. The Mayor Pro Tem or other Councilor acting as presiding officer may not make a motion, but may vote, and is subject to the same limits of debate that may be placed on other Councilors. The major functions of the presiding officer during sessions are generally to:

1. Call the meeting to order
2. Announce the order of business as provided in the agenda
3. State motions on "the table"
4. Put motions to a vote, when appropriate, and then announce the result of the vote
5. Generally prevent irrelevant or frivolous debate or discussion
6. Maintain order and decorum
7. Otherwise enforce the Council's rules and appropriate procedures

Councilor/Staff

Every Councilor or staff member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate. A

Councilor or staff member, once recognized, shall be afforded the opportunity to succinctly make his/her point, and should not be interrupted under normal circumstances except for a point of order, a request for clarification or at the option of the presiding officer in the interest of the general smooth flow of the meeting.

XI. ADDRESSING COUNCIL FROM FLOOR

Securing Permission to Speak

Any persons desiring to address the Council shall first secure permission from the presiding officer. Remarks should be limited to the matter being considered.

Public Comments Generally

Members of the public addressing the Council will stand at the podium, give their full name and address in a clear and audible tone of voice for the record, remain respectful and avoid personal attacks. A sign-in sheet will be made available for each speaker to record their name and address for the official record. Members of the public shall be limited to three minutes speaking time, unless additional time is granted with good cause by the presiding officer. Total input on any subject under Council consideration may be limited to a fixed period by the presiding officer. All remarks shall be addressed to the Council as a whole and not to any individual member. Councilors or staff shall seek the permission of the presiding officer prior to posing questions or asking for clarification from those making public comments. No additional members of the public may participate in any discussion without first being recognized by the presiding officer. A member of the public may not speak more than once during the Public Comment time period without the specific permission of the presiding officer.

Matters presented during the Public Comment requiring further investigation or information will typically be referred to City staff, and/or if Council determines that action is required, the item may be placed on a future agenda.

City officials should take great care in refraining from making comments that may expose the City to liability, particularly those regarding heated public issues. City officials are not immune from being sued personally when the City itself is sued. Officials with questions related to these matters should consult with the City Attorney prior to the meeting, if possible.

Spokesperson for Group Presentations

Organized groups that wish to make a presentation longer than the public comment time allowed will be required to contact the City Clerk prior to the meeting to be added under the "Special Presentations" portion of the agenda. Presentations will be limited to 10 minutes, with 5 minutes allowed for Council questions, unless extended by the presiding officer for good cause. It is highly recommended that such groups provide any handouts in advance so that they may be included in the agenda packet and allow for more efficient discussion.

Public Hearings

Public Hearings will generally take place immediately preceding the related action item. Interested persons or their authorized representatives may address the Council in regard to public hearing matters under consideration. Any formal presentations shall be limited to 10 minutes.

After a motion is made and seconded and a vote taken to close the hearing, further discussion from the public on this matter will not be allowed, except for good cause as determined by the presiding officer.

XII. PREPARATION OF THE MINUTES

Method of Keeping Minutes

The minutes of the Council shall be prepared at the direction of the City Clerk and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs. The minutes are not required to contain a verbatim transcript of the proceedings.

Approval of Minutes

The minutes of the preceding Council meeting may be approved without being read aloud, provided that the City Clerk has previously furnished each member of the Council with a copy of the minutes and that a majority of the Council has not requested such a reading.

Correction of Minutes

When a Councilor wishes to correct the minutes, that Councilor should contact the City Clerk in advance of the meeting with the correction. Upon verification of an error in the minutes, the City Clerk will provide the corrections to the Council in advance of the meeting, immediately prior to the meeting or during the meeting.

XIII. PROCESSING COUNCIL MAIL

The City Administrator (or designee) is authorized to receive and review all mail addressed to the City Council as a whole and received at City Hall. Unless of a routine or strictly administrative nature, this correspondence will be scanned and emailed to all Councilors for their information. All correspondence not requiring Council action will be acted upon between Council meetings and referred to City staff if appropriate. Action taken on these communications will later be reported to the City Council.

XIV. SPECIAL COMMITTEES

Subject to approval of the Council, the Mayor may appoint special advisory or ad hoc committees consisting of Council Members, City staff and/or private citizens, as deemed desirable and necessary to assist and advise the City Council in its work. The two types of committees are:

1. Standing Committees: These committees continue indefinitely until terminated by the Council. Standing committees may be assigned to develop recommendations and/or exercise oversight over designated City departments or functions.
2. Special Committees: Also known as "ad hoc" committees or "task forces", these committees are established to study and make recommendations on specific issues. Special committees are typically established by resolution of the Council, and terminate after they have completed their assignments.

All committees expressly established by the Council are deemed to be subject to the Iowa Open Meetings law, and shall publish an agenda and hold open meetings as such. Additional guidance on committees may be found on page 39 of the Iowa Municipal Policy Leaders' Handbook (2016 Edition).

XV. PREPARATION AND REVIEW OF ORDINANCES, RESOLUTIONS AND CONTRACT DOCUMENTS

All ordinances proposed for consideration shall be reviewed by the City Attorney. Ordinances and resolutions shall be prepared for presentation to the City Council upon the request of the Mayor, at least two Councilors, the City Administrator, or through the initiative of the City Attorney.

All ordinances, resolutions and contract documents to be presented to the Council shall first be approved as to form and legality by the City Attorney or an authorized representative. When substantive matters of administration are involved, the ordinance, resolution, or contract shall also be examined by the City Administrator, the head of the affected department, or an authorized representative of the City Administrator.

XVI. COUNCIL ACTION

(Reference Code of Iowa Chapters 380.3 & 380.4)

Procedure for Council Action

Typically, discussion on a matter occurs prior to a motion on the subject. This procedure is designed to provide for procedural clarity and contribute to a smooth flow to the meeting. After a motion is made and seconded and no further debate or comment is forthcoming, or by election of the presiding officer shall proceed to call for the vote. Motions shall be disposed of by voice vote, unless a member requests a roll call vote. Resolutions and ordinances shall be disposed of by roll call vote, with the roll call read by the City Clerk at the direction of the presiding officer.

Ordinances shall typically require readings at three (3) separate meetings, unless five (5) or more Councilors agree with good cause that one or more readings should be waived. In this case, a motion and second shall first be made to suspend the rules and roll call taken. To gain approval, the result of this vote must be that at least five (5) Councilors are in favor. A motion and second may then be made to adopt the ordinance.

Amending a Motion

A motion on the floor may be amended. A Councilor wishing to amend a motion on the floor may pursue the motion in one of two ways: 1) If the amendment is a procedural correction or small adjustment to the original motion, it may be incorporated into the main motion as a "friendly amendment" with the consent of the Councilors making the original motion and second; or 2) If the amendment is of a more substantial nature, a second is required to move the amendment to vote. In the latter case, the presiding officer shall call for a voice vote on the amendment. If passed, the amendment shall be incorporated in the main motion, which then must be separately considered.

Motion to Table

If insufficient information exists to take action on an agenda item, for the purpose of proceeding to more urgent agenda items or for other good cause, the Council may choose to table an agenda item. This requires a motion, second and roll call vote. If possible, the motion will specify when the item will be brought back for consideration, although this may not be known in some cases. Items that are not untabled at the same meeting will typically be included by the City Clerk on future agendas under the "Unfinished Business" section of the agenda, with a note stating that the item was tabled and the date it was tabled.

An item may be untabled by a motion, second and roll call vote.

Abstentions

Every Councilor present shall vote on each action item, unless a conflict of interest exists. Any member believing they have a conflict of interest should abstain from voting, in which case the abstention shall be publicly declared and a record made thereof. The City Attorney is available to help Councilors decide if they should declare a conflict on any issue. Councilors are encouraged to contact the City Attorney prior to the meeting if they have any concern that they may have a conflict of interest and would like to seek the City Attorney's opinion. Additional guidance on abstentions may be found on page 66, and additional guidance on conflicts of interest may be found on page 45 of the Iowa Municipal Policy Leaders' Handbook (2016 Edition).

Abstentions for reason of conflict of interest reduce the number of members of the Council for voting purposes, and thus a typical resolution with one member abstaining for reason of conflict of interest would only require three (3) affirmative votes for passage, for example.

Motion to Reconsider

A motion to reconsider may be made by any Councilor on the prevailing side and may be made at the same meeting as the original action, but in no case may be made later than the next regular Council meeting. The motion needs a second. It is debatable, if the original action it reconsiders was debatable. The motion requires a majority vote to adopt and cannot be reconsidered.

XVII. INTERPRETATION OF THE RULES OF PROCEDURE

All City meetings shall be conducted in accordance with these rules of procedure, as well as any applicable state laws. The City Attorney shall be considered the final authority on any questions regarding the application or interpretation of the rules and procedures.

Appendix E

Sample City Council Rules of Procedure

Meeting Times

The city council shall meet at ____ p.m. on the first and third ____ of each month in the council chambers. On holidays, the council shall meet on the ____ following the holiday.

Not later than the first meeting in December of each year, the city clerk shall present to council for approval an annual schedule of meetings to the council for the upcoming year.

Work Sessions

Work sessions of the council shall be held in accordance with state statutes when special circumstances require such a session. A work session may be called by the mayor, city manager or majority of council members.

Special Meetings

The mayor, or in the mayor's absence, the mayor pro tem, may call a meeting at any time for the transaction of the business as specified. In addition, a special meeting shall be called upon petition of a majority of council members. Written notice of a special meeting shall be given each member of the council at least 24 hours in advance of the meeting.

Executive Sessions

Executive sessions may be held during regular or special meetings, so long as appropriate statutory requirements are met. Executive sessions may also be held during work sessions but must also meet appropriate statutory requirements. Prior to council consideration of holding an executive session, an opinion from the city attorney shall be obtained as to the appropriateness of the contemplated executive session.

Presiding Officer

The mayor, or in the mayor's absence or incapacity, the mayor pro tem, shall be the presiding officer at all council meetings. If both the mayor and mayor pro tem are absent, the most senior council member in terms of continuous service on the council shall be presiding officer. In the event of a tie, the older council member shall be presiding officer.

The presiding officer shall control the meeting in accordance with these rules.

Rules of Parliamentary Procedure

Except as specifically provided in these rules, *Robert's Rules of Order*, ____ edition, shall serve as the rules of parliamentary procedure.

Quorum

The presiding officer shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the city clerk shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.

Agenda

The ___ shall prepare an agenda of the business to be presented at a regular council meeting. No item of business shall be added to an agenda after ___ p.m. on the [<day>] preceding the council meeting for which the agenda has been prepared, except under emergency circumstances pursuant to state law and as determined by the city attorney. At the meeting, the council shall consider only matters that appear on the agenda for that meeting or are introduced by a council member or the mayor. Council members and the mayor shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda.

Order of Business

The order of business at council meetings shall be as follows:

1. Call to order
2. Roll call
3. Citizen presentations
4. Public hearings
5. Finance report and authorization of vouchers
6. Standing and executive committee reports
7. Special committee reports
8. Ordinances and resolutions
9. Department reports
10. Written communications and petitions
11. Messages and papers from the mayor
12. Council remarks
13. Adjournment

Each agenda item shall be considered in the numerical order as listed on the agenda. With the consent of the council, any agenda item may be considered out of order at the request of a council member or mayor.

Consent Agenda

In order to make more efficient use of meeting time, the ____ shall place all ordinances, resolutions and requests for approval that are considered routine and non-controversial on a "consent agenda." Any item placed on the consent agenda shall be removed at the request of the mayor or a council member prior to the time a vote is taken on the consent agenda items. All remaining items on the consent agenda shall be disposed of by a single motion "to adopt the consent agenda," which shall not be debatable. Adoption of the consent agenda shall be by the affirmative vote of all council members present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item on the consent agenda shall be voted upon separately in the usual manner.

Public Hearings

Prior to each public hearing, the presiding officer shall announce the nature of the matter to be heard. The presiding officer shall then declare the hearing to be open and invite any member of the audience to come forward to be heard. If appropriate, the presiding officer may first ask those persons in favor of the stated matter to come forward, with those speaking in opposition coming after. The presiding officer may, with the approval of council, limit the time allotted to speakers at each public hearing. The presiding officer shall announce the restriction prior to the commencement of the hearing.

Closing Debate

Discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the council.

Call for Vote

At the conclusion of debate, the presiding officer shall call for a vote. However, a majority of the council may require a vote at any time, in accordance with the rules of parliamentary procedure.

Voting Generally

- 1) The vote on every motion shall be taken by voice vote or roll call and entered in full upon the record.
- 2) A roll call vote shall be used for all ordinances and resolutions. Members shall not explain their vote during roll call. Any member may change his or her vote prior to the next order of business.

Duty to Vote

When a question is taken, every member shall vote, but no member shall be permitted to vote on a subject in which he or she has a conflict-of-interest.

Waiver of Ordinance Readings

A council member may move suspension of the rules and call for final passage of an ordinance, with waiver of first or second consideration, or both, consistent with applicable state law. Such a motion requires $\frac{3}{4}$ vote of all council members, whether present or absent and including vacant positions, for passage.

Reconsideration of Actions Taken

A member who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the council.

Sergeant-at-Arms

- 1) The sergeant-at-arms shall be the _____ or an appropriate designee.
- 2) The sergeant-at-arms shall assist the presiding officer, as appropriate, to maintain order and decorum at all meetings.

General Speaking by Council Members

Every council member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine the remarks to the question under debate.

Questioning of Administrative Staff by Council Members

Any council member desiring to question staff shall address the questions to the presiding officer, who may refer the inquiry to a staff member for response.

Administrative Staff and City Employees Addressing Council or Public

Members of the city staff desiring to address the council or members of the public shall first be recognized by the presiding officer and shall address the remarks to the chair. Staff may respond to questions or comments by the council or members of the public with permission of the presiding officer, and shall always do so in a polite and tactful manner.

Public Members Addressing the Council

- 1) The agenda for each regular meeting of the city council shall include a time in which members of the audience may address the council.
- 2) An audience member desiring to address the council shall stand and wait to be recognized by the presiding officer. After recognition, the person shall state his/her name and address for the record. All remarks and questions shall be addressed to the presiding officer and not to any individual council member, staff member or other person. No person shall enter into discussion without being recognized by the mayor.
- 3) No public member shall be allowed to speak more than once on any one subject until every other public member choosing to speak has spoken.

- 4) After a motion has been made or after a public hearing has been closed, no audience or staff member shall address the council without first securing permission from the presiding officer.

Order and Decorum

- 1) Any of the following shall be sufficient cause for the sergeant-at-arms to, at the direction of the presiding officer, remove any person from the council chambers or meeting hall for the duration of the meeting:
 - a) Unreasonably loud or disruptive language, noise or conduct which obstructs the work or the conducting of the business of the council.
 - b) Willful injury of furnishings or of the interior of the council chambers or meeting hall.
 - c) Refusal to obey the rules of conduct, including the limitations on occupancy and seating capacity.
 - d) Refusal to obey an order of the presiding officer or an order approved by a majority of the council present.
- 2) Before the sergeant-at-arms is directed to remove any person from the meeting hall, the presiding officer shall give that person a warning to cease his or her conduct.
- 3) If a meeting is disrupted by members of the audience, the presiding officer or a majority of the council present may order that the council chambers or other meeting hall be cleared.

Seating Capacity and Safety Requirements

- 1) The safe occupancy and seating capacity of the council chambers as determined by the fire marshal shall be posted within the council chambers. The limitations on occupancy and seating capacity shall be complied with at all times.
- 2) Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the chambers.

Flags, Signs and Posters

No flag, posters, placards, or signs, unless authorized by the presiding officer, may be carried or placed within the council chambers, any meeting hall in which the council is officially meeting, or any meeting hall in which a public hearing is being held. This restriction shall not apply to armbands, emblems, badges or other articles worn on personal clothing of individuals, provided that such devices are of such a size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not extend from the body in a manner likely to cause injury to another.

News Media

The provisions of this ordinance shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is not unreasonably disruptive of the meeting.

Council Rules of Procedure

Bruce Bergman
General Counsel
Iowa League of Cities
BruceBergman@iowaleague.org

Benefits of adopting council meeting policies and rules of procedure

- Efficient meetings
- Providing an understandable process
- Controlling and allowing reasonable public input

IT IS IN YOUR POWER

Iowa Code Section 21.7 says this:

Nothing in this chapter shall prevent a governmental body from making and enforcing reasonable rules for the conduct of its meetings to assure those meetings are orderly, and free from interference or interruption by spectators.

Iowa Code Section 372.13(5) says this:

“The council shall determine its own rules”

- ✓ Cities are free to decide how to run their meetings
- ✓ Your city should adopt council rules of procedure

Before the Meeting

- Scheduling regular and special council meetings and work sessions
- Council meeting time, dates and location
- Special meetings: who can call and how
- Work sessions
 - Who can call a work session?
 - How are work sessions run?
 - Is citizen participation allowed?

The Agenda

- Who can place items on the agenda, and how
- Deadline for placing items on the agenda
- Emergencies
- When is the agenda made public
- When and where is the agenda posted
- When are agenda packets made available

- Who receives electronic copies of the agenda
- Dealing with media requests for the agenda

Parliamentary Procedure

- Rules should be simple enough for most people to understand
- Robert's Rules are difficult to follow for the general public
- To the extent you need to have parliamentary procedure, consider making the process easy to understand and follow
- Many Iowa cities follow a simple process in conducting business, which can be covered easily in your own rules of procedure

Order of Business

- Pledge of allegiance, opening prayer or nothing?
- Call to order
- Consent agenda
 - Who decides if items are on the consent agenda
 - Process for removing items from consent agenda for discussion
 - Council only or citizens too?
- Hearings
- Ordinances
- Resolutions
- Citizen requests to speak (or not)
- Old business, new business or unfinished business are not sufficiently specific to be proper agenda items

Rules of Debate

- Item announced by presiding officer
- Council members speak when recognized
- No interruptions, except to enforce the rules
- Limiting council remarks to a reasonable length
- Closing debate on an item
- Calling for a vote

Citizen Participation

- Only on specific agenda items or specific time for public comments
- Some cities have a process to allow citizens to place a matter on the agenda
- Name, address and topic, which must deal with city business
- Time limit on remarks
 - Mayor/Council may place a time limit on remarks by a group on the same topic
 - Mayor/Council may place time limit for individual remarks
- Remarks to be germane

- Directed to the specific item being considered
- No offensive, impertinent, disrespectful, profane, threatening, frivolous or irrelevant remarks allowed

Dealing With An Unruly Speaker

- Cities can limit meetings to discussion of specific agenda items
- Reasonable speaker restrictions can be imposed to preserve civility
- Speakers can be required to stay on topic and to be civil
- Speakers who refuse to comply can be asked to leave
- Criminal charges are a last resort, only for people who
 - Engage in egregious behavior
 - Refuse to stop
 - Refuse to leave the podium
 - Refuse to leave the meeting when requested by the Mayor
- Criminal charges are an available option if necessary
 - Trespass – city ordinance
 - Disorderly conduct – city ordinance
 - Willful disturbance – state law

Best Practices:

- Adopt a rule that defines how speakers conduct themselves
- Announce and explain the rule before each council meeting
- Enforce the rule

Miscellaneous

- Cell phones, laptops and tablets
- Motions to reconsider
- Consideration of items out of order
- Waiver of ordinance readings
- Electronic meetings
- Tie votes
- Closed sessions
- Conflict of interest
- Abstention from voting
- Suspension of rules
- Enforcement of rules
- Matters not covered by rules
- Amending the rules of procedure
- Re-adoption of rules annually