City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager MPW

DATE: April 4, 2018

SUBJECT: Workshop with Jeff Schott on Council Procedures

At the December 14, 2017 goal setting session, the council added a goal under organizational effectiveness to "develop written Rules of Procedure for council meetings". Jeff Schott will be at the April 9th meeting to assist the City Council in developing new council procedures.

For the Council's review prior to the meeting you will find attached to this memo the following:

- An outline for the session.
- A sample council procedure that Jeff Schott has taken from multiple sources.
    - The sample rules are just that - just an example of what other cities have done & are not intended to be adopted as is or without careful council (and City Attorney & City Manager) review and consideration.
    - This document is meant to stimulate discussion & to help identify key issues.
    - The areas highlighted in yellow are discussion points/key policy issues that Jeff will focus on during the meeting.
- The City's current written council procedures.
- Examples of Council Procedures from:
    - Hiawatha
    - North Liberty
    - Decorah

FROM
CITY OF CARROLL, IOWA
COUNCIL GOAL SETTING SESSION
DECEMBER 14, 2017

Organizational Effectiveness

The Mayor and City Council reviewed a variety of ideas relating to improving organizational effectiveness to accomplish the selected goals and priorities. After review and discussion, the Mayor and City Council selected the following steps to improve organizational effectiveness:

- Continue to hold work sessions for significant projects:
  - Have a specific goal/goals for each work session to ensure we are moving forward.
  - Provide information prior to the work session prior to make efficient use of Council's time, prepare questions, etc.
  - Consider holding some work session on off-council meeting night
- Use a systemic approach towards reviewing the city's goals: - identify dates,; consider
  - Identify timelines and person responsible for implementing/coordinating
- Continue to identify methods to enhance communications with the public
- Develop written Rules of Procedure for council meetings
- Evaluate digitizing council materials, so transfer and sharing of information is more seamless and timely
- Provide enhanced training to the Council on the budget and city finances

Iowa Code 372.13 (5)

"The Council shall determine its own rules and maintain records of its procedures."

Why Council Rules of Procedure

- ***To effectively achieve purposes of council meetings:***
- ***Conduct city business – make decisions***
- ***Inform the public – discuss, debate***
- ***Maintain records – minutes***
- ***Regulate and maintain order and decorum at meetings.***
- ***Allow for participation in a democratic manner but –***
- ***Provide structure so meetings don't get "out of hand".***

Cities should adopt <u>own</u> rules of procedure – not just adopt Robert's Rules:

- ***Robert's Rules not designed or intended for law-making bodies such as City Councils***
- ***Robert's Rules are not "law" and not required by law to be followed.***
  - ***Iowa Sup Ct – failure by council to conform to a procedural rule or parl. procedure will not invalidate a vote that otherwise conforms to Iowa statutes.***
- ***State Code requirements supersede Robert's Rules:***
  - ***Quorums***
  - ***Votes/readings required: Ordinances, Resolutions, Motions, Special Assessments, Remonstrances, etc.***
  - ***Suspension of readings***
  - ***Public Hearing requirements***
  - ***Mayoral authority/vetoes***

Robert's Rules –
other considerations

- ***Open Meetings Law/IPIB requirements***
  - ***"Old Business"***
  - ***"New Business"***
- ***Motions to reconsider***
- ***Citizen presentations***
- ***Consent/non-controversial calendars***

Reserve Robert's Rules for arcane parliamentary issues, e.g.:

- ***Motion/seconds/withdrawals of motions***
- ***Amendments***
- ***Table***
- ***Points of order***
- ***Etc.***

Council Rules of Procedure –Typical Components:

- ☐ ***Authority***
- ☐ ***Rules of Parliamentary Procedure***
- ☐ ***Meeting Times and Location***
- ☐ ***Special Meetings***
- ☐ ***Closed Sessions***
- ☐ ***Council Work Sessions***
- ☐ ***Emergency cancellations***
- ☐ ***Presiding Officer***
- ☐ ***Quorum***
- ☐ ***Agenda and Council Packets***
- ☐ ***Order of Business***
- ☐ ***Council Debate***
- ☐ ***General Speaking by Council Members***
- ☐ ***Consent Agenda***
- ☐ ***Public Hearings***
- ☐ ***Forms of Ordinances and resolutions***
- ☐ ***Close of Debate/Calling for the Vote***
- ☐ ***Voting Generally***
- ☐ ***Duty to Vote/Conflicts of Interest***
- ☐ ***Special Motions***
    - ☐ ***Waiver of Ordinance readings***
    - ☐ ***Reconsideration***
    - ☐ ***Suspension of Rules***
    - ☐ ***Adjourn/Recess***

- ☐ ***Electronic participation at meetings:***
- ☐ ***Seating arrangement – who determines?***
- ☐ ***Adminsitrative Staff/Employees at Meetings***
- ☐ ***Members of the Public Addressing City Council***
- ☐ ***Order and Decorum***
- ☐ ***Amendment of Rules***
- ☐ ***Enforcement of Rules***
- ☐ ***Interpretation of Rules***

Sample City Council Rules of Procedure
(for illustrative purposes only)

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.

Rules of Parliamentary Procedure

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

Meeting Times

The city council shall meet at 5:15 p.m. on the second and fourth Monday of each month in the council chambers. On holidays, the council shall meet on the first business day following the holiday.

The first meeting in January of each year, the City Clerk shall present to council for approval an annual schedule of meetings for the upcoming year. (includes work sessions???)

Meeting Length

No meeting shall continue beyond <*three hours*> without approval of a majority of the City Council members who are present. If an action is taken to extend this time limit, a new time limit must then be established. In the event a meeting has been adjourned or continued due to time restrictions, the items on the agenda not acted upon shall be deferred to the next regular Council meeting, unless the Council by majority vote of those present determines otherwise.

Special Meetings

Special meetings may be called by the Mayor or by a majority of the members of the Council in accordance with Iowa law. Written notice of a special meeting shall be given each member of the council at least 24 hours in advance of the meeting, unless an emergency exists that precludes such notice. In the case of an emergency, notice shall be provided as soon as practical before the start of the meeting.

- A special meeting may be requested by a citizen. The person requesting the special meeting is responsible for reimbursing the City for all costs associated with the special meeting, including but not limited to publication costs, attorney fees, and other related costs.

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

Prior to council consideration of holding a closed session, an opinion from the city attorney shall be obtained as to the appropriateness of the contemplated closed session.

Council 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 meetings with other agencies or organizations, , reviewing upcoming programs, discussing complex issues or topics, receiving progress reports on current programs, receiving information from the City Manager, city staff, or consultants, 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. A work session may be called by the mayor, City Manager or majority of council members.

Emergency Cancellations

All meetings cancelled by reason of inclement weather or other bona fide emergency shall be automatically rescheduled to the next business day or evening at the same time and location as the original meeting, without formal Mayor or Council action.

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. In the absence of both the Mayor and the Mayor Pro Tem, a temporary presiding officer shall be selected by the Council members present.

The presiding officer shall control the meeting in accordance with these rules, the Code of Iowa and the Municipal Code.

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.

During the course of a meeting, should the Presiding Officer , Council Member or City Clerk note a quorum is lacking, this situation shall be called to the attention of the Presiding Officer who shall then issue a quorum call. If a quorum has not been restored within a reasonable time limit after the quorum call, the meeting shall be deemed automatically adjourned.

Agendas and Council Packets for Regular Meetings

The City Council agenda is prepared by the City Manager, subject to review and approval of the Mayor. Matters may be placed on the agenda by the Mayor, City Manager, City Clerk and any two (2) Council Members, in consultation with the Mayor and City Manager. Items for consideration for inclusion on the agenda must be received by the City Managerno later than Noon on Wednesday before the scheduled meeting. No item of business shall be added to an agenda after Noon on Wednesday 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 council meeting, the council shall consider only matters that appear on the agenda for that meeting. A copy of the agenda will be posted on Thursday prior to the Council meeting in City Hall, made available on the City's website, and provided to the local media and others who have requested to receive the agenda in advance of the Council meetings.

Council packets shall be transmitted to the City Council no later than Thursday prior to the Council meeting. The Council packet shall include the agenda plus all supporting material.

- Supporting materials for agenda items must be received by City Manager no later than Noon on Wednesday before the scheduled meeting.
- Matters listed on the agenda but for which supporting materials have not been received and are not included in the council packet will not be discussed or acted upon at the Council meeting.

Agenda and Council Packets for Special Meetings

Due to the nature of special meetings, City Council Agenda and Council Packet for Special Meetings are not required to strictly follow the same procedures as a regular meeting; however, they should be followed when practical. At a minimum a 24-hour notice is required to be provided unless an emergency circumstance exists pursuant to state law and as determined by the City Attorney.

Order of Business

The order of business of each meeting shall be as listed on the City Council agenda. The agenda shall be a listing by topic of subjects to be considered by the Council.

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) Pledge of Allegiance
(3) Roll Call
(4) Approval of the agenda
(5) Consent Agenda
(6) Oral Requests and Communications from the Audience
(7) Proclamations
(8) Ordinances
(9) Resolutions
(10) Reports
(11) Committee Reports
(12) Monthly Activity Report (end of the month for previous month)
(13) Comments from the Mayor
(14) Comments from the Council
(15) Comments from the City Manager
(16) Workshops
(17) Closed Session
(18) Adjournment

City Council may adopt the agenda as presented, or may amend the agenda and then adopt the agenda as amended.

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 Presiding Officer.

Consent Agenda

In order to make more efficient use of meeting time, the <City Manager subject to review and approval of the Mayor> shall place all agenda items that are considered routine and non-controversial on a "consent agenda." Any item placed on the consent agenda may be removed at the request of the Presiding Officer or a Council Member prior to the time a vote is taken on the consent agenda item and such removed items shall be considered and voted upon separately in the usual manner.

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.

Council Debate

Debate on items identified on the agenda as Action Items, (or identified as ordinances, resolutions or motions) shall not commence until a motion has been made and seconded with respect to that item. Any motion made by a member must be seconded by another member before debate can commence. If a motion is made and not seconded, the motion fails. The council members who move or second motions are not required to vote in favor of that motion.

When a motion is made, it will be announced by the Presiding Officer before debate. The Presiding Officer will also announce the name of the Council Member who made and seconded the motion. The Presiding Officer may invite Council Members to make a motion, for example "A motion at this time would be in order."

Items identified as Discussion Items on the agenda do not require a motion and second to be discussed/debated at the meeting. The Presiding Officer will announce the item to be discussed and facilitate discussion of that item.

General Speaking by Council Members

Every council member desiring to speak shall address the chair to,request recognition by the Presiding Officer. The Council Member shall confine the remarks to the question under consideration and shall limit his/her remarks to a reasonable length. The Mayor and Council Members, as well as 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. The Presiding Officer may enter into any discussion.

A Council Member may speak after recognition by the Presiding Officer and shall not be interrupted, except by the Presiding Officer to enforce these rules or under the following circumstances:

- Privilege – The proper interruption would be "Point of Privilege", The Presiding Officer would then ask the interrupter to "state your point". Appropriate points of privilege relate to anything that would interfere with the normal comfort pf the meeting. For example, the room may be too hot or cold, or a piece of equipment may interfere with a person's ability to hear.
- Order – The proper interruption would be "Point of Order". The Presiding Officer 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 Presiding Officer calls for a vote on a motion that permits debate without allowing that discussion or debate.
- Appeal – If the Presiding Officer makes a ruling with which a Council member disagrees, the Council Member may appeal the ruling of the Presidning Officer to the parliamentarian.
- Call for Orders of the Day – This is simply another way of saying "Let's return to the agenda." If a Council Member believes that the Council has drifted wawy from the agenda, such a call may be made. It does not require a vote, and when

the Presiding Officer determines the agenda has not been followed, the Presiding Officer simply reminds the Council to return to the agenda ite, properly before them.

- 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 withdrawn, although the Presiding Officer may ask the person who seconded the motion if he or she wishes to make the motion, and any other Council Member may make the motion if properly recognized.

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 City 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.

After all citizen input has been received, the Presiding Officer 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

Closing Debate/Call for Vote

The Presiding Officer has the right to close debate, unless two-thirds (2/3) of those present vote to continue the discussion. At the conclusion of debate, the presiding officer shall call for a vote. However, a majority of the council may require a vote by "calling for the question". "Calling for the question" is a motion calling for the City Council to vote on whether or not to vote on original motion. This motion must be seconded and debate is not allowed. If the motion for the question passes, then a vote must be held on the original motion. Passage of the motion calling for the question occurs when two-thirds (2/3) of the City Council present votes "aye".

Forms of Ordinances and Resolutions

Ordinances and resolutions will be presented to the Council in written form. All ordinances and resolutions are subject to review and approval by the City Attorney as to form and legality.

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.
3) After the vote is taken, the presiding officer will announce the decision of the City Council on all subjects.
4) All ordinances, resolutions, contracts, routine motions and items of business that require Council approval for the expenditure of funds or any type of city action shall be in the form of an affirmative vote to enact, adopt , approve or other appropriate language.

Duty to Vote/Conflicts of Interest

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

No Council Member who is disqualified by reason of a conflict of interest shall engage in discussion and debate nor vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such conflict of interest in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote.

Special Motions:

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 ¾ vote of all council members, whether present or absent and including vacant positions, for passage. The vote shall be taken by roll call and entered upon the record.

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. The vote shall be taken by roll call and entered upon the record. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the council.

Motion to Suspend the Rules

This motion is debatable and requires two-thirds vote of those present to pass. This motion allows the Council to suspend its own rules for a particular purpose. The vote shall be taken by roll call and entered upon the record.

Motion to Adjourn/Motion to Recess

These motions are not debatable. When such a motion is made, the Presiding Officer shall immediately call for a vote without debate on the motion.

A motion to adjourn, if passed, requires the council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote for passage.

A motion to recess, if passed, requires the council to immediately take a recess. The presiding officer determines the length of the recess. This motion requires a simple majority vote for passage

Telephonic Participation in Meetings

A Council Member who is physically unable to attend a council meeting may participate by telephone for all or part of the meeting provided all of the following requirements are met:

- The absent member has a legitimate reason for not attending. Mere convenience is not a legitimate reason. The Presiding Officer shall rule on the "legitimate reason" issue prior to allowing telephonic participation;
- A telephone speaker system is installed in the council chambers that will permit all council members and others in attendance to hear the comments and vote of the absent member;
- The absent member can clearly hear the deliberations, comments, and vote of the council members in the chambers as well as comments of others who may speak during the session

Seating Arrangements During Council Sessions

Council Members shall occupy the respective seats in the Council Chambers as assigned to them by the Mayor.

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.

Members of the Public 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) Members of the public are permitted to address the City Council during the "Oral Requests and Communications from the Audience" portion of the agenda on matters not on the printed agenda, or public hearing portions of the agenda or at other times as determined by the Presiding Officer.
3) 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 any other person. Persons should not engage individual Council Members or City staff in a discussion, except as permitted by the Presiding Officer. 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.
4) No person shall enter into discussion without being recognized by the Presiding Officer.
5) 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.
6) 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.
7) <**Time Limit for citizen presentations???>**A person recognized to speak should make his or her statement or question preferably as brief as is possible but taking no more than five (5) minutes.
8) 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 or written communication, the Presiding Officer will accept the document and the minutes will reflect that action.
9) A person should not address the Council about issues that are known to be outside the responsibility or authority of the City of Carroll.
10) Individual Council members may ask questions of or engage in conversations with the public audience only when recognized by the Presiding Officer. However, Council Members may, in their individual discretion, make themselves available to persons attending the meeting before or after the Council meeting.

Order and Decorum

Any of the following shall be sufficient cause, at the direction of the presiding officer, to 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.

Before a person is removed from the meeting hall, the Presiding Officer shall give that person a warning to cease his or her conduct.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.

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. ???

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.

Enforcement of these Rules

It is the duty of the Presiding Officer to enforce the rules.

Interpretation of these Rules/Parliamentarian

These rules are intended to supplement, and shall be interpreted to conform with the Statutes of the State of Iowa and the Ordinances of the City of Carroll, Iowa. Should any provision be inconsistent with Iowa law, that provision shall be struck with the applicable Iowa law replacing it.

The City Attorney shall serve as parliamentarian shall be considered the final authority on any questions regarding the application or interpretation of these rules and procedures.

Current City of Carroll Council Procedures

As of April 4, 2018

4. Record. The Clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all City officers, elective or appointive.

(Code of Iowa, Sec. 64.24[3])

5.03 POWERS AND DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and this Code of Ordinances, or as otherwise directed by the Council unless contrary to State law or City charter.

(Code of Iowa, Sec. 372.13[4])

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records that are combined with data processing software shall be in accordance with policies and procedures established by the City.

(Code of Iowa, Sec. 22.2 & 22.3A)

5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to his or her successor in office all books, papers, records, documents and property in the officer's custody and appertaining to that office.

(Code of Iowa, Sec. 372.13[4])

5.06 MEETINGS. All meetings of the Council, any board or commission, or any multi-membered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following:

1. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date, and place of each meeting and its tentative agenda shall be given.

(Code of Iowa, Sec. 21.4)

2. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

(Code of Iowa, Sec. 21.3)

3. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

4. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the body or all of the members present at the meeting and in accordance with Chapter 21 of the *Code of Iowa*.

(Code of Iowa, Sec. 21.5)

5. Cameras and Recorders. The public may use cameras or recording devices at any open session.

(Code of Iowa, Sec. 21.7)

6. 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 Chapter 21 of the *Code of Iowa*.

(Code of Iowa, Sec. 21.8)

17.04 COUNCIL MEETINGS. Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to Council meetings are the following:

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.
(Code of Iowa, Sec. 372.13[5])

3. Quorum. A majority of all Council members is a quorum.
(Code of Iowa, Sec. 372.13[1])

4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.
(Code of Iowa, Sec. 372.13[5])

5. Compelling Attendance. Any three 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 members to attend at once.

17.05 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, compensation, and term of office:

1. City Manager
2. City Clerk
3. Police Chief
4. City Attorney
5. Planning and Zoning Commission
6. Zoning Board of Adjustment
7. Parks, Recreation and Cultural Advisory Board
8. Airport Commission

17.06 COMPENSATION. The salary of each Council member is $200.00 per month.
(Code of Iowa, Sec. 372.13[8])

CITY OF CARROLL

POLICIES AND PROCEDURES MANUAL

Subject		Policy No.
Council's Rules of Order		0103
Responsible Division(s), Office(s)	Related Policies & Procedures	
ALL		
Effective/Revision Date	Approval(s)	
February 27, 1989	Rick Sonnenburg	

Purpose: From time to time questions arise regarding Council's Rules of Procedure and Robert's Rules of Order. These are researched each time, so a simple easily referenced summary might save time.

The following rules have their origins in City Code, State Code, or Robert's Rules:

Policy:

1. Quorum - The minimum number of Council Members who need to be present to conduct formal business is four (4). An abstaining vote is a vote and, as such, does not endanger the quorom.

2. The minimum number of affirmative votes for an ordinance, amendment to an ordinance, and a resolution is "a majority of the Council Members" = 4 (whether there are 4, 5, or 6 Council Members present).

3. The minimum number of affirmative votes for all other Council actions (approval of minutes, motions, licenses, approval of bills, etc.) is a majority of the Council Members present (3 of 4, 3 of 5, or 4 of 6), unless specified differently elsewhere in the City Code.

4. To "call the question", "move the question", or otherwise move to end debate and discussion requires a 3/4 vote of the Council Members present.

5. The Mayor can veto ordinances, amendments to ordinances, and resolutions. The Mayor cannot veto motions and other Council actions.

6. The Mayor cannot vote to break a tie on ordinances, resolutions and appointments. He can vote to break a tie on all other Council actions, such as motions.

7. It takes a 2/3 vote of the Council Members present to override the Mayor's veto.

City of Hiawatha City Council Meeting
Policy and Procedures
and Code of Ethics

Adopted: September 3, 2008, by Resolution #08-147

Amended: _____

Table of Contents

I.	**General Provisions**	4
	A. Scope	4
	B. Rules of Order	4
	C. Matters Not Covered	4
	D. Interpretation	4
II.	**Time and Place of Meetings**	4
	A. Regular Meetings	4
	B. Special Meetings	4
	C. Closed Meetings	4
III.	**Agenda**	5
	A. Preparation of Agenda	5
	B. Posting and Notification	5
	C. "Tentative" Agendas	6
	D. Emergency Matters	6
	E. Consent Agenda	6
	F. Public Hearings	6
IV.	**Conduct of Meetings**	6
	A. Call to Order – Presiding Officer	6
	B. Roll Call	6
	C. Quorum Call	6
	D. Control of Discussion	7
	E. Order of Consideration of Agenda	7
	F. Call for the Question	7
	G. Discussion	7
	H. Limit on Remarks	7
	I. Presiding Officer's Right to Enter into Discussion	7
	J. Presiding Officer's Right to Close Debate	7
	K. Votes Necessary for Passage	7
	L. Mayoral Voting Rights	7
	M. Mayoral Veto Power	8
	N. Use of Electronic Devices During Meetings	8
	O. Addressing the City Council after Motion Made	8
	P. Adjournment	8
V.	**Citizen Participation**	8
	A. Citizen's Right to Address City Council	8
	B. Manner of Addressing City Council	8
	C. Time Limit on Citizen's Remarks	8
	D. Remarks of Citizens to be Germane	9
	E. Decorum	9

VI.	**City Council Action**	9
	A. City Council Consideration of business	9
	B. Motion Required	9
	C. Motion to Reconsider	9
	D. No Motions by Presiding Officer	10
	E. Call for Vote	10
	F. Separate Consideration	10
	G. City Council Votes Necessary to Pass Assessments	10
	H. City Council Votes Necessary to Suspend Rules and Waive Third Reading of an Ordinance	10
	I. Abstentions Not Due to a Conflict of Interest	10
VII.	**Other Provisions**	11
	A. Interaction with Litigants	11
	B. Electronic Meetings and Attendance	11
VIII.	**Amendment of Procedural Rules**	11
	A. Amendments to Procedural Rules	11
IX.	**Code of Ethics**	12
	Preamble	12
	A. Act in the Public Interest	12
	B. Comply with the Law	12
	C. Conduct of Members	12
	D. Respect for Process	12
	E. Conduct of Public Meetings	12
	F. Conflict of Interest	12
	G. Gifts and Favors	13
	H. Confidential Information	13
	I. Use of Public Resources	13
	J. Representation of Private Interests	13
	K. Advocacy	13
	L. Policy Role of Members	14
	M. Independence of Boards and Commissions	14
	N. Positive Work Place Environment	14
	O. Implementation	14
	P. Compliance and Enforcement	14
	Code of Ethics Statement of Understanding	16

I. ~~Part 1:~~ General Provisions

A. Scope

This policy and procedures shall govern the conduct of the City Council and shall be interpreted to insure fair and open deliberations and decision making.

B. Rules of Order

The generally accepted rules of procedure found in Robert's Rules of Order, Newly Revised, shall govern City Council meetings unless otherwise requested by the Mayor or a City Council member for a specific reason.

C. Matters Not Covered

Any matter of order or procedure not covered by these rules shall be decided by the presiding officer, with the assistance and advice of the City Attorney.

D. Interpretation

These rules are intended to supplement, and shall be interpreted to conform with the Statutes of the State of Iowa and the Ordinances of the City of Hiawatha. Should any provision be inconsistent with Iowa law, that provision shall be struck with the applicable Iowa law replacing it.

~~Part 2:~~ II. Time and Place of Meetings

A. Regular Meetings

Regular meetings of the City Council are held on the 1st and 3rd Wednesday's of each month at ~~7:00~~ 5:30 P.M. in the City Council Chambers at 101 Emmons Street, Hiawatha, Iowa. Work Sessions ~~are held on the 2nd Wednesday's of each month~~ may be scheduled throughout the year as determined necessary by City Council. The date and starting time of work session may be scheduled by motion of the City Council. If such a day falls on a legal holiday, the meeting is held the next business day at the same time unless a different day or time is determined by the City Council.

B. Special Meetings

Special meetings may be called 24 hours in advance in accordance with Iowa law upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Clerk. The call for a special meeting shall specify the place, day, hour and agenda for the meeting and shall be posted at ~~the~~ City Hall ~~front door~~ and given personally or left at the usual place of residence of each member of the City Council.

A special meeting may be requested by a citizen. The fees to cover costs associated with the meeting include, but not limited to, publication cost, attorney and engineer fees, City Council member fees and clerk cost. The fees will be set by the City Administrator and City Clerk at the time of the request. Refer to Resolution #99-05.

C. Closed Meetings

A closed session may be held only by an affirmative vote of either two-thirds (2/3) of the entire City Council or all of the members present at the meeting. The City Council may hold a closed session in accordance with Code of Iowa Section 21.5, only to the extent a closed session is necessary and for ~~discussion of any statutorily authorized purpose, including, without limitation, the following~~ one of the following lawful reasons:

1. Records deemed confidential by State or Federal law (Open Records Law Code of Iowa Chapter 22),
2. Application for letters of patent,
3. Present or imminent litigation discussion with legal counsel,
4. Licensing examination or investigation,
5. Law Enforcement matters involving investigations, inspection, auditing, selection, prosecution or settlement of cases,
6. Evaluation of professional competency of an individual for appointment, hiring, performance or firing, when the individual requests a closed session,
7. Real estate matters where premature disclosure could increase the cost to the City.

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. The closed session will be ~~tape~~ recorded with detailed minutes noting persons in attendance and the general subject discussed. The minutes and recording shall be sealed and not be public record unless an order of the court is made or for a minimum of one year from the date of the meeting.

III. Agenda

A. Preparation of the Agenda

Prior to each regular City Council meeting, the City Clerk shall publish an Agenda which contains all items the City Council anticipates acting upon at the meeting. Matters may be placed on the agenda by the Mayor, City Administrator, City Clerk and any two (2) City Council members, in consultation with the Mayor and City Administrator. The City Council may adopt the agenda as presented, or may amend the agenda as provided by these rules and then adopt the agenda as amended. The deadline for agenda item submittal shall be no later than Thursday at 12~~5~~:00 P.M., prior to the Wednesday meeting.. City Council packets will be dispersed Friday prior to the Wednesday meeting. After the packets have been dispersed, no items will be deleted or added unless approved by the Mayor and City Administrator. If an item is not ready for action at the time of the meeting, that item will be postponed.

B. Posting and Notification

State law requires cities to develop and post a tentative agenda for each City Council meeting (including work sessions or informal meetings) at least 24 hours prior to the meeting. This applies regardless of where the meeting is held. “Notice” includes advising those media which have requested such notice, posting notifications in prominent and

public locations, and taking other reasonable measures to inform citizens in advance about each meeting. The City Clerk is usually responsible for complying with these requirements.

C. "Tentative" Agendas

The prepared agenda should be considered "tentative" in case a new subject comes up before the 24 hour deadline. If an item considered is time sensitive and cannot be postponed until the next regular meeting, the item can be added to the agenda by the Mayor.

D. Emergency Matters

Issues that arise less than 24 hours prior to the meeting are best postponed unless a strong case can be made for their emergency inclusion. The City Attorney should be consulted as quickly as possible if a true emergency occurs and an item needs to be added to the agenda. The City Clerk should also make an attempt to notify the designated media about this emergency item.

E. Consent Agenda

The Agenda shall separately designate items on a "Consent Agenda" which may be acted upon by the City Council as a single vote. The "Consent Agenda" shall consist of routine, non-controversial items which, may be appropriately considered in total at the City Council meeting. If any City Council member requests to remove an item from this portion of the agenda, the rest of the consent items will be acted on as a whole with the removed item(s) being voted on separately under business.

F. Public Hearings

All public hearings shall be scheduled for ~~7:00~~ 5:30 P.M. on the day of the meeting at which the hearing is scheduled. Unless it is 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 be closed by the presiding officer or by other formal action of the City Council.

~~Part 4:~~ IV. Conduct of Meetings

A. Call to Order – Presiding Officer

The Mayor, or in the Mayor's absence or incapacity, the Mayor Pro Tem, shall be the presiding officer at all City Council meetings. The Mayor or Mayor Pro Tem shall call the meeting to order at the appointed hour. If both the Mayor and Mayor Pro Tem are absent the ~~Alternate Mayor Pro Tem shall be the presiding officer at all council meetings~~. City Clerk shall call the meeting to order and a temporary presiding officer shall then be selected by the City Council members present.

B. Roll Call

~~A majority of all City Council members shall constitute a quorum for the transaction of business.~~ Before proceeding with the business of the City Council, the City Clerk shall call the roll of the members ~~present,~~ and ~~enter those~~ the names of those present shall be

entered in the minutes. ~~The clerk shall determine the presence of a quorum as required by law and these rules.~~ The late arrival of any absentee City Council members shall also be entered in the minutes.

C. Quorum Call

During the course of the meeting, should the Mayor note a City Council quorum is lacking, the Mayor shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within a reasonable time limit of a quorum call, the meeting shall be deemed automatically adjourned.

D. Control of Discussion

The presiding officer shall facilitate discussion of the City Council on Agenda items to promote equitable participation in accordance with these rules.

E. Order of Consideration of Agenda

Except as otherwise provided in these rules, each Agenda Item shall be considered in the order shown on the Agenda. Each Agenda item shall be separately announced by the presiding officer, or City Clerk, for purposes of discussion and consideration. This rule shall not apply to consideration of items listed on the Consent Agenda. If the Mayor or other member of the City Council asks to "suspend the rules" for purposes of reordering the Agenda, the City Council shall take a vote to modify the placement of the Agenda item(s) for good cause.

F. Call for the Question

The "Call for the Question" is a motion calling for the City Council to vote on whether or not to vote on the original motion. This motion must be seconded and debate is not allowed. If the motion for the question passes, then a vote must be held on the original motion. Passage of the motion calling for the question occurs when two-thirds (2/3) of the City Council present votes "aye".

G. Discussion

A City Council member shall speak after being recognized by the presiding officer. A City Council member, after being recognized, shall not be interrupted, except by the presiding officer, in the event it is necessary to enforce these rules.

H. Limit on Remarks

Each City Council member shall limit his/her remarks to a reasonable length. A City Council member recognized for a specific purpose shall limit remarks to that purpose.

I. Presiding Officer's Right to Enter into Discussion

The Mayor, or other presiding officer as a member of the City Council, may enter into any discussion.

J. Presiding Officer's Right to Close Debate

The presiding officer has the right to close debate and speak last on any item, unless two-thirds (2/3) of the City Council members present vote to continue the discussion.

K. Votes Necessary for Passage

Three (3) City Council members constitute a majority of the City Council, and therefore, three (3) votes are sufficient for passage of any policy matter. Procedural issues are determined as per Robert's Rules of Order. Any exceptions to these rules are specifically noted in ~~these rules~~ this document.

L. Mayoral Voting Rights

The Mayor is not a member of the City Council and may not vote as a member of the City Council. The Mayor Pro Tem retains all of the powers of a City Council member.

M. Mayoral Veto Power

The Mayor may sign, veto or take no action on an ordinance, amendment or resolution passed by the City Council. The Mayor may not veto a motion passed by the City Council. The Mayor Pro Tem may not veto a measure if he was entitled to vote on the measure at the time of the passage. The Mayor may exercise his/her veto power within fourteen (14) days of the passage and he/she must explain the reason for such veto to the City Council members at the time of the veto. The City Council members may override the Mayor's veto by a two-thirds (2/3) majority or four (4) of the City Council members within thirty (30) days of the veto.

~~N. Reading of Ordinances~~

~~The presiding officer shall ask those present in the room if anyone desires to have the Ordinance read or if someone wants to receive copy of the Ordinance. The City Council shall reserve the right to provide a copy of the ordinance to said person in lieu of reading the ordinance and shall provide a reasonable recess to allow for a review of the ordinance.~~

We don't do this

N. Use of Electronic Devices During Meetings

It is important to remember that communicating with another City Council member or member of the audience or public with an electronic device (ie; texting during a meeting) may be a violation of Iowa's open meetings law. As such, any information communicated during such an exchange may be subject to open records laws.

O. Addressing the City Council after Motion Made

When a motion is pending before the City Council, no person other than a City Council member shall address the City Council.

P. Adjournment

a. No City Council meeting shall continue past 9:30 p.m. unless a two-thirds (2/3) majority of the City Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 9:30 p.m. shall include a list of specified agenda items to be covered and shall specify in which order these items shall be handled.
b. Any agenda items not completed at a regularly scheduled City Council meeting shall be continued to the next regular business meeting, or by a two-thirds (2/3) majority vote of the City Council to an adjourned regular meeting.

~~Part 5:~~ V. Citizen Participation

A. Citizen's Right to Address City Council

Persons other than the Mayor or a City Council member shall be permitted to address the City Council during the "Citizen Input", on matters not on the agenda, or public hearing portions of the Agenda or at other times as determined by the Mayor or the City Council.

B. Manner of Addressing City Council

A person desiring to address the City Council shall step to the podium state his/her name, address, and group affiliation (if any) and speak clearly into the microphone and direct comments to the Mayor and City Council.

C. Time Limit on Citizen's Remarks

An individual citizen shall be limited to three (3) minutes speaking on any subject covered under Rule A, unless additional time is granted by the presiding officer or a majority of those City Council members present. Total citizen input on any subject under City Council consideration may be limited to a fixed period by the presiding officer.

D. Remarks of Citizens to be Germane

Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of citizen comments. Citizens making personal, impertinent, or slanderous remarks shall be barred by the presiding officer from further comment before the City Council during that meeting.

E. Decorum

1. No person shall disrupt the orderly conduct of the City Council meeting. Prohibited disruptive behavior includes, but is not limited to, shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the City Council table without consent. Any message to or contact with any member of the City Council while the City Council is in session shall be through the City Clerk.
2. While the City Council is in session, the members must preserve order and decorum. Any of the following shall be sufficient cause for the Mayor to remove any person from the City Council chambers or meeting hall for the duration of the meeting:
    i. Unreasonably loud or disruptive language, noise or conduct which obstructs the work of conducting of the business of the City Council.
    ii. Willful injury of furnishings or of the interior of the City Council chambers or meeting hall.
    iii. Refusal to obey an order of the presiding officer or an order approved by a majority of the City Council present.
3. Before removal of disruptive person / persons from the meeting hall, those person / persons shall be given warning to cease his/her conduct.

4. If a meeting is disrupted by members of the audience, the presiding officer or a majority of the City Council present may order that the City Council chambers or other meeting hall be cleared.

~~Part 6:~~ VI. City Council Action

A. City Council Consideration of Business

The business of the City Council shall be taken up for consideration and disposition, in accordance with Iowa Code Chapter 21: Open Meeting Laws.

B. Motion Required

All actions requiring a vote shall be moved and seconded by a member of the City Council.

C. Motion to Reconsider

A Motion to reconsider a prior vote shall be made by a City Council member who was on the prevailing side in the original action. The motion to reconsider may be made at the same meeting of the original action or at either of the next two (2) regularly scheduled meetings of the City Council immediately successive to the original action.

D. No Motions by Presiding Officer

The Presiding Officer shall not make a motion, but may vote if the presiding officer is not the Mayor at the time of the vote.

E. Call for Vote

At any time in the debate, the presiding officer may call for a vote. Alternatively, two-thirds (2/3) of those City Council members present may call for a vote at any time (See Part IV, Rule F).

F. Separate Consideration

Except as otherwise required by these rules, each Agenda item shall be voted upon separately. Each motion shall require a second and each vote shall be recorded by the City Clerk. The Mayor or any member of the City Council may request that a roll call vote be taken on a specific issue. The presiding officer will then direct the City Clerk to call for each City Council member present to cast his/her vote individually.

G. City Council Votes Necessary to Pass Assessments

Assessments require a two-thirds (2/3) vote of the City Council or four (4) City Council members unless a remonstrance is filed in which case all five (5) City Council members must vote to approve the assessment. A remonstrance occurs when 75% of the assessments within the special assessment district file a petition against the project.

H. City Council Votes Necessary to Suspend Rules and Waive Third Readings of an Ordinance

A three-fourths (3/4) vote, or four (4) City Council members, is necessary to suspend the Rules and waive the third reading of an ordinance. The City Council may waive the second and third readings of an ordinance if public notice was published in this manner.

In order to waive the second and third readings, there must be a three-fourths (3/4) vote, or four (4) City Council members voting in the affirmative.

Moved into Code of Ethics Section.

I. Abstentions Not Due to a Conflict of Interest

Any Member of the City Council who has not declared a conflict of interest but casts a pass vote or abstains from voting shall have that vote registered as a no vote.

~~Part 7:~~ VII. Other Provisions

A. Interaction with Litigants

The Mayor and City Council will not discuss City matters involved in pending/active lawsuits with litigant(s) or litigant's representatives unless the City Attorney is present to provide legal guidance.

B. Electronic Meetings and Attendance

City Council member participation in scheduled City Council meetings by means of telephone, video and other electronic communication shall be permitted provided there are at least two-thirds (2/3) of the entire City Council physically present at the meeting.

~~Part 8:~~ VIII. Amendment of Procedural Rules

A. Amendments to Procedural Rules

These rules may be amended through a resolution adopting such a change by a majority vote of the entire City Council.

IX. Code of Ethics

Preamble

The citizens and businesses of Hiawatha are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. To ensure the effective functioning of democratic government and foster public confidence in the integrity of local government and its effective and fair operation requires:

Public officials, both elected and appointed (collectively "Public Officials"), comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and the public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

A. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Public Officials will work for the common good of the people of Hiawatha and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Hiawatha City Council.

B. Comply with the Law

Public Officials shall comply with the laws of the nation, the State of Iowa and the City of Hiawatha in the performance of their public duties. These laws include, but are not limited to, the United States and Iowa constitutions, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government and City ordinances and policies.

C. Conduct of Members

The professional and personal conduct of Public Officials must be above reproach and avoid even the appearance of impropriety. Public Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards and commissions, the staff or public.

D. Respect for Process

Public Officials shall perform their duties in accordance with the policy and procedures and rules of order established by City Council governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the City Council by City staff.

E. Conduct of Public Meetings

Public Officials shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body or otherwise interfering with the orderly conduct of meetings.

F. Conflict of Interest

To assure their independence and impartiality on behalf of the common good, Public Officials shall not use their official positions to influence government decision in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

In accordance with the law, no member shall participate in the disposition of any matter in which he/she is interested. For purposes of this section "interested" includes any direct or indirect financial or personal interest held by a member or member of his/her family. Before any matter is heard, a member having an interest shall state it and withdraw from participation, or he/she may disclose the facts involved and request a determination by the City Council of whether a conflict of interest exists. Any question of the existence or non-existence of a conflict of interest sufficient to disqualify a Public Official from participating in the disposition of any matter shall be decided by a majority vote of the other members of the City Council. In case of a tie, the member shall be disqualified.

Upon declaration of a conflict of interest, the City Council member shall be excused from the dais. He/she shall have the right to address the City Council from the floor.

Abstentions due to conflicts of interest shall not count as votes for the purpose of determining whether there has been an affirmative vote of a majority of the City Council present, but shall be counted for the purpose of determining whether a quorum is present. The vote of member(s) who abstain due to conflict of interest shall be registered as an abstention.

G. Gifts and Favors

Public Officials shall not take any special advantage of services or opportunities for personal gain that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits, which might compromise their independence of judgment or action or give the appearance of being compromised.

H. Confidential Information

Public Officials shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interest.

I. Use of Public Resources

Public Officials shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

J. Representation of Private Interests

In keeping with their role as stewards of the public interest, Public Officials shall not appear on behalf of the private interests of third parties before the City Council or any board, commission or proceeding of the City.

K. Advocacy

Public Officials shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Public Officials shall explicitly state they do not represent their body or the City of Hiawatha, nor will they allow the inference that they do.

L. Policy Role of Members

Public Officials shall respect and adhere to the mayor-council structure of Hiawatha city government as outlined by the Code of Iowa and City of Hiawatha Code of Ordinances. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions and City staff. The City Council does not take an active role in day to day operations or administration of the city.

The City Administrator shall be directly responsible to the City Council for the

administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the City Council shall be brought before the body by the City Administrator and all City Council involvement in administration initiated by the City Council must be coordinated through the City Administrator.

M. Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of City Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

N. Positive Work Place Environment

Public Officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Public Officials shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

O. Implementation

As an expression of the standards of conduct for Public Officials expected by the City, the Hiawatha Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when Public Officials are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for the Mayor and City Council and newly elected and appointed officials. Public Officials entering office shall sign a statement affirming they read and understood the City of Hiawatha Code of Ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council and the City Council shall update it as necessary.

P. Compliance and Enforcement

The Hiawatha Code of Ethics expresses standards of ethical conduct expected for Hiawatha City Council and the Mayor. Public Officials have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

Public Officials that intentionally and repeatedly do not follow proper ethical standards may be reprimanded or formally censured by the City Council. It is the responsibility of the City Council to initiate action if a City Council member's behavior may warrant censure. City Council members shall submit written notification to the offending City Council member detailing infractions of the Code of Ethics or Code of Conduct.

If the offenses continue, then the matter should be referred to the Mayor in private. It is the responsibility of the Mayor, or Mayor Pro-Tem, to initiate action if a member of the City Council's behavior or the Mayor’s behavior, may warrant censure. If no action is taken by the Mayor, or Mayor Pro-Tem, the alleged violation(s) can be brought to the full City Council in a public meeting. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem and City Administrator for investigation.

If violation is outside of the Code of Ethics or Code of Conduct, the alleged violation should be referred to the Mayor. The Mayor shall ask the City Administrator and/or the Chief of Police to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to, discussing and counseling the individual on the violations or recommending censure to the full City Council to consider in a public meeting. If the Mayor is the individual whose actions are being challenged, the Mayor Pro-Tem shall ask the City Administrator and/or the Chief of Police to investigate the allegation and report the findings to the Mayor Pro-Tem. It is the Mayor Pro-Tem's responsibility to take the next appropriate action. These actions can include, but are not limited to, discussing and counseling the Mayor on the violations or recommending censure to the full City Council to consider in a public meeting.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a City Council decision.

Code of Ethics Statement of Understanding

By signing below, I acknowledge that I have received a copy of the Code of Ethics. I confirm that I have read and understand the Code of Ethics and as a condition of fulfilling my term serving as a member of the Hiawatha City Council or Mayor, I agree that I shall comply with the standards of conduct established in the Code of Ethics.

City Council Member or Mayor Signature: _____

Date: _____

CITY COUNCIL RULES
CITY OF NORTH LIBERTY, IOWA

TABLE OF CONTENTS

PART I. GENERAL **2**

1. Authority 2
2. General Rules 2
3. Types of Meetings 3
4. Media Coverage of Council Meetings 3
5. Mayor's Duties 4
6. Order of Business and Agenda 4
7. Ordinances, Resolutions, and Motions 6
8. Creation of Committees, Boards, and Commissions 7
9. Inconsistent Actions and Amendment of These Rules 8

PART II. PUBLIC PARTICIPATION IN MEETINGS **8**

1. General 8
2. Role of the Mayor 8
3. Public Participation 9
4. Handling Requests During Meetings 9
5. Public Hearings 10

PART III. PROCEDURE **10**

1. Motions in General 10
2. The Three Basic Motions 10
3. Multiple Motions 11
4. Debate 12
5. Motion to Suspend the Rules 13
6. Motion to Reconsider 13
7. Limiting Debate and Discussion 13

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 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.

Decorah City Council
Rules of Procedure

Adopted: January 22, 2013
Effective: January 22, 2013
Amended: February 15, 2016

TABLE OF CONTENTS

I. DUTIES…… 3

A. Duties of Mayor…… 3
B. Duties of Council Members……3
C. Motions to be stated by Mayor…… 3
D. Decorum by Council Members…… 3
E. Voting Disqualification……3

II. MEETINGS…… 3

A. Call to Order - Presiding Officer……3
B. Roll Call……4
C. Quorum Call……4
D. Council Meeting Schedule……4
E. Adjournment……4
F. Council Committee Meetings…… 4

III. AGENDA…… 6

A. Declaration of Policy…… 6
B. Definitions…… 6
C. Procedure for Bringing Matters before City Council…… 6
D. Packet Preparation and Posting……...7
E. Agenda Sequence and Order of Business…… 7

IV. CONDUCT OF MEETING…… 8

A. Comments from the Public…… 8

V. PROCEDURAL MATTERS……...8

A. Persons Authorized to Sit at Tables……8
B. Decorum……8
C. Enforcement of Decorum…… 9
D. Interpretation of the Rules of Procedure…… 9
E. Rules of Debate…… 9
F. Addressing the Council after Motion Made…… 10

VI. COMPLIANCE OF IOWA LAWS……10

I. DUTIES

A. Duties of the Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council and adhere to the rules herein. The Mayor shall state every question coming before the Council, and announce the decision of the Council on all subjects.

B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition, in accordance with Iowa Code Chapter 21: Open Meeting Laws.

C. Motions to be stated by Chair

When a motion is made it will be announced by the Mayor before debate. Upon debate/discussion, the Mayor may allow a time for public comments on the issue with the time allotted determined by the Mayor.

D. Order and Decorum by Councilmembers

While the Council is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking, nor refuse to obey the orders of the Council, or the presiding officer, except as otherwise herein provided.

E. Voting Disqualification and conflict of interest

No member of the Council who is disqualified by reason of a conflict of interest shall engage in discussion and debate nor vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such conflict of interest in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

II. MEETINGS

A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Mayor Pro-tem, shall take the chair precisely at the hour appointed by the meeting and shall immediately call the Council to order. Upon the arrival of the Mayor, the Mayor Pro-tem shall immediately relinquish the chair at the conclusion of the business presently before the Council. In the absence of the two officers specified in this section, the City Clerk shall call the meeting to order and a temporary presiding officer shall then be selected by the Council Members present.

B. Roll Call

Before the Council shall proceed with the business of the Council, the Mayor shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

C. Quorum Call

During the course of the meeting, should the Mayor note a Council quorum is lacking, the Mayor shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within a reasonable time limit of a quorum call, the meeting shall be deemed automatically adjourned.

D. Council Meeting Schedule

The City Council shall hold a minimum of twelve (12) meetings each calendar year.

Regular meetings of the City Council may be conducted at City Hall and held the first and third Mondays of each month. If it should fall on a legal holiday, the meeting is held the following day at the same time, unless a different day or time is determined by the Council.

Regular City Council meetings shall begin at the appointed time and place as noticed on the official posted agenda.

The agenda for the regular business meetings may include the following: Pledge of Allegiance, roll call, approval of agenda, comments from the public, consent agenda, action items, City Manager and Department Head Reports, and other items.

Any item not considered or tabled from the agenda will automatically be carried over as Continued Business or Old Business to the next regular business meeting unless the Council sets another date.

A special meeting may be called by the Mayor or upon petition of the majority of the council and shall require notice in compliance with Iowa law; a verbal / written notification shall be given by the Mayor to each Council member. Only matters placed on the agenda for the special meeting shall be discussed.

E. Adjournment

1. No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be covered and shall specify in which order these items shall be handled.

2. Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular business meeting, or by a two-thirds majority vote of the Council to an adjourned regular meeting.

F. Council Committee Meetings

The City Council committees meet on an as needed basis when there is an item to be discussed. The purpose of the committees is to plan and conduct research and develop rules and policy to recommend to the City Council. Committee meetings may be convened upon the consent of at least two (2) committee members, with one of the members being the Chair of the

Committee.

The date and time of the meeting shall be agreed upon by a majority of the members of the committee.

The Mayor shall appoint the chair and each member of the committee and shall make such appointments at the first regular council meeting of the calendar year.

Current standing committees consist of:

Economic Development and Community Betterment
Initiatives and suggestions involving quality of life matters for the citizens and visitors of Decorah. Ordinance and other policy issues related to matters involving Human Rights Commission and code section and Historic Preservation Commission and code section. Also may review and recommend policy on issues related to tax abatements and increment financing.

Public Safety
Reviews policy and issues involving the Police and Fire departments, First Responders and Disaster Services. Also reviews initiatives and suggestions related to general public safety concerns.

Budget
Works with staff to provide input and feedback during the budget preparation process. Reviews and makes recommendations on budget issues that occur throughout the year. Also provides feedback on revenue projects and matters regarding debt.

Personnel, Negotiating and Insurance
Reviews and negotiates wage and benefit packages for City employees. Reviews and approves various personnel actions and policies. Monitors and reviews claim history and provides input in reviewing and selecting the best insurance programs for the City. Reviews proposed union / bargaining agreements and organizational structural changes.

Streets, Alleys, and Sidewalks
Review issues related to streets, sidewalks alleys and other concerns related to the street department. Reviews plans for the growth, improvement, and maintenance of the street system including capital improvements programming, annual projects and requests. Street related improvements generally include those whose construction, acquisition or maintenance costs may be funded with Road Use Tax funds.

Water, Sewer, Public Lights and Utilities
Reviews plans and projects related to the sanitary sewer system, public water system, garbage collection and recycling. Reviews budgets, rates, and growth demands. Plans future growth and development of the systems and determines policy.

Property and Purchasing
Acquisition, disposal, and maintenance of real property. May also review capital building projects and improvement programs.

Special Committees
From time to time the Mayor may designate a special committee to review and resolve a particular problem or issue.

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without previously having been published on the agenda of the meeting and posted 24 hours in advance of the meeting.

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Action Item" means an item placed on the agenda for a vote of the Council by any council member. For purposes of this section all information concerning any item to be acted upon by the Council shall be submitted and available for public review, except to the extent such information is privileged and thus confidential, such as, an attorney and client communication and communications concerning a litigation matter or other privileged communication as defined by Iowa law – Chapter 21.5
2. Agenda items shall contain all relevant documentation, including the following as applicable:

    a) A descriptive title that adequately informs the public of the subject matter and general nature of the item and / or report and action requested;

    b) Whether the matter is to be presented as an Action Item or as a Report for Information; or Discussion only.

    c) Background information as needed;

    d) Person or persons to contact for further information, with telephone number. If the author of any report believes additional background information, beyond the basic report, is necessary for Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

1. "Packet" means the agenda plus all its corresponding duplicated agenda items.
2. “Tabled Business” Items carried over from a prior agenda of a meeting as uncompleted items.

C. Procedure for Bringing Matters before City Council

Matters may be placed on the agenda by any two (2) council members, the Mayor, City Clerk or City Manager, in consultation with the Mayor, or any board / commission / committee created by the City Council, in consultation with the Mayor or City Manager. All items, other than board and commission items shall be subject to review by and approved by the City Council.

D. Packet Preparation and Posting

Packets shall be distributed by Thursday evening. The City Clerk shall prepare the packet, which shall include the agenda plus all its corresponding material. No item shall be considered if not included in the packet, except that a correction or supplement to an item already included in the packet may be considered, if the City Council, by a two-thirds vote, determines that the good of the City clearly outweighs the lack of time for citizen review or City Council member evaluation of an item. Reports carried over, as Continued Business or Old Business need not be reproduced again. Items added after Thursday at 4 pm shall be for discussion only, unless deemed emergency.

1. Distribution and Posting of Agenda.

The City Clerk shall post each tentative agenda of the City Council regular meeting no later than 5 p.m. on the Friday prior to the meeting and shall post each agenda of a special meeting at least 24 hours in advance of the meeting in the official publication areas.

2. Distribution of the Agenda Packet. The Tentative Agenda Packet shall consist of the Agenda and all supporting documents for agenda items. No later than Thursday evening prior to a regular meeting, the City Clerk shall:

a) Distribute the Agenda and Packet to each member of the City Council and Mayor, via email or other electronic delivery system.

b) Deliver the Agenda and Packet to the Library electronically.

c) Fax a copy of the agenda to the list of agenda recipients.

3. Failure to Meet Deadlines.

a) The City Clerk shall not accept any agenda item or revised agenda item after the established deadlines – generally noon on the Thursday prior to the regularly scheduled meeting.

b) Matters listed on the printed agenda but for which support materials are not received by the City Council by noon on the Thursday prior to said meeting as part of the agenda packet, may not be discussed or acted upon.

E. Agenda Sequence and Order of Business

The Council agenda for a regular business meeting is to be arranged, generally, in the following order:

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Public Comments *(time limit may be imposed by presiding officer) – This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council is not likely to take any action on your comments at this meeting due to requirements of the Open Meeting Laws, but may do so at a future meeting. The Mayor and Council welcome comments from the public.*

5. Consent Agenda
    a. Minutes of the previous meeting(s)
    b. Claims
    c. Pay Estimate No.
    d. Change Orders
    e. Other matters of a routine nature

6. Public Hearings begin as soon as practical

7. Discussion items

8. Discussion items

9. Action Items

10. Action Items

11. City Manager and Department Head Updates

12. Other Matters

13. Adjourn

Action items may be reordered at the discretion of the Mayor with the consent of Council.

IV. CONDUCT OF MEETING

A. Comments from the Public

Public comment will be taken in the following order with time limits as determined by the Mayor or presiding officer. Please note that City Council meetings are a meeting in the public, but not always a public meeting. Speaking with and to the Council is a resident's right but the council may set parameters in order to efficiently carry out its business.

1) People addressing the Council should first give their name and address in an audible tone of voice for the record.

2) All remarks shall be addressed to the Council as a body and not to any member thereof.

3) No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council. No question shall be asked of a council member except through the Mayor.

V. PROCEDURAL MATTERS

A. Persons Authorized to Sit at Tables

No person, except City officials shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Mayor or Council.

B. Electronic meetings and attendance

To participate in any sessions of the city council or its designated committees, Council Members must be personally present and may not attend scheduled sessions by means of telephone, video or other means of electronic communication.

C. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council table without consent. Any message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.

1. While the Council is in session, the members must preserve order and decorum. Any of the following shall be sufficient cause for the Mayor to 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 of 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 removal of disruptive person / persons from the meeting hall, those person / persons shall be given 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.

D. Enforcement of Decorum

Any Council member present or the Mayor / Mayor Pro-tem is the Sergeant-at-Arms of the Council meetings. That person(s) shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the Council meetings

E. Interpretation of the Rules of Procedure

The City Attorney shall be considered the final authority on any questions regarding the application or interpretation of the rules and procedures. In the absence of the City Attorney, the City Administrator shall be considered the final authority on the rules of procedure for the conduct of City Council business.

F. Rules of Debate

1 **Getting the Floor - Improper References to be avoided.** Members / Public desiring to speak shall address the Mayor, and upon recognition by the presiding officer, shall confine themself to the question under debate and may be imposed a time limit.

2 **Interruptions.** A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

3 **Privilege of Closing Debate.** The council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the council member moving adoption of an ordinance, resolution or other action shall have a reasonable time to conclude the debate.

4 **Motion to Reconsider.** A member who voted with the majority may move for a reconsideration of an action.

5 **Waiver of Ordinance Readings.** A Council member may move suspension of the rules and call for a final passage of an ordinance, with waiver of first or second consideration, or both, consistent with applicable state law. Such a motion requires ¾ vote of all council members, whether present or absent and including vacant positions, for passage.

6 **Use of electronic devices during meetings.** Please remember that communicating with another council member or member of the audience or public with an electronic device (ie; texting during a meeting) may be a violation of Iowa's open meetings law. As such, any information communicated during such an exchange may be subject to open records laws.

G. Addressing the Council after Motion Made

When a motion is pending before the Council, no person other than a council member shall address the Council.

VI. COMPLIANCE WITH IOWA LAW

All provisions of this Rules of Procedure shall be in compliance with Iowa Law. Should any provision be inconsistent with Iowa law, that provision shall be struck with the applicable Iowa law replacing it. All other provisions shall remain unchanged.