City of Carroll

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MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager MPW

DATE: May 24, 2018

SUBJECT: Discussion on draft City Council Rules of Procedure

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 worked on drafting City Council Rules of Procedure on April 9, 2018. Staff then worked to clean up and develop a final draft for City Council review and consideration which occurred on May 14th.

On May 14th the Council only discussed what it would take to close debate or waive the ordinance readings. Here are the details of that:

Closing debate

Originally after the discussion with Jeff Schott the procedures were worded that the Presiding Officer could close debate unless a 2/3 of those present voted to continue debate. After the meeting, staff reviewed this and is now suggesting that this be changed that debate would continue if a majority of those present voted to continue debate.

Additionally, the procedures were originally worded to close debate after 2/3 of the council present voted to close debate. After the meeting staff reviewed this and is now suggesting that this be changed to 3/4 of the council present voted to close debate.

Waiver of Ordinance Readings

There was also a question on if a 3/4 vote should be required to waive an ordinance reading or if a lower threshold could be used. Iowa Code 380.3 requires a 3/4 vote of all of the members of the council to waive an ordinance reading. This will need to remain at 3/4 vote to comply with State Code.

Staff left these sections unchanged from what was presented on May 14th. If a change is desired the Council can make that change at the May 29th meeting.

Additionally, the Council should remember that this City Council Rules of Procedure can be changed at any time by the Council by a simple majority vote.

RECOMMENDATION: Mayor and City Council consideration and possible approval of a resolution adopting the attached City Council Rules of Procedure.

RESOLUTION NO. _____

RESOLUTION ADOPTING THE CITY OF CARROLL CITY COUNCIL RULES OF PROCEDURE

WHEREAS, Iowa Code Section 372.13 provides that the Council shall determine its own rules of procedure; and

WHEREAS, the Carroll City Council expressed a desire to update its written Rules of Procedure for Council Meetings; and

WHEREAS, the City Council and others have worked to develop these written rules; and

WHEREAS, it is determined that the approval of the attached City of Carroll City Council Rules of Procedure is in the best interest of the City Council;

NOW, THEREFORE, BE IT RESOLVED that the City of Carroll City Council Rules of Procedure be hereby adopted.

PASSED AND APPROVED by the Carroll City Council of the City of Carroll, Iowa this 29th day of May, 2018.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

BY:_____
Eric P. Jensen, Mayor

ATTEST:

By:_____
Laura A. Schaefer, City Clerk

CITY OF CARROLL

POLICIES AND PROCEDURES MANUAL

Subject	Policy No.
City Council Rules of Procedure	0103
Responsible Division(s), Office(s)	**Related Policies & Procedures**
All	
Effective/Revision Date	**Approval(s)**
_____, ___ 2018	Mike Pogge-Weaver

The purpose of the attached City Council Rules of Procedures dated _____ is for the City Council to orderly, efficiently, and effectively complete City business facing the Council in a respectful manner. These Rules are intended to provide guidelines for the procedures to be followed for the conduct of Council meetings and study sessions.

If any Rule, on its face or as applied, conflicts with applicable provisions of State Law or City Ordinances, those provisions shall apply and that Rule shall not. 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.

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. These rules should, at a minimum, be reviewed every two (2) years.

City of Carroll
City Council Rules of Procedure

Updated: DRAFT 4/18/18

Authority
Iowa Code Section 372.13 provides that the 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 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, unless otherwise approved by Council.

At 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. (This schedule may include work sessions)

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.

- If a non-elected official requests a special meeting, that person 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. The applicant shall be advised of the estimated costs of such a special meeting in advance of the special session.

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, a written or oral opinion from the City Attorney shall be obtained as to the appropriateness of the contemplated closed session.

Council Work Sessions

The City Council may meet informally as needed in work sessions which are open to the public. A work session may be called by the Mayor, City Manager, or majority of Council Members. Starting times of Council Work Sessions will be set by the City Manager with the consent of the Mayor and 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.

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

A majority of all Council Members is a quorum. The Presiding Officer shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the Police Chief or designee 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 three (3) Council Members, in consultation with the Mayor and City Manager.

Items for consideration for inclusion on the agenda must be received by the City Manager no 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 supporting materials.

- 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 Council 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. Agenda items can be removed, amended, or re-arranged, but items cannot be added unless it is an emergency.
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 the 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, immediately after approval of the consent agenda.

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 Motions

Any motion made by a member must be seconded by another member. If a motion is made and not seconded, the motion fails. 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. The Presiding Officer will also announce the names 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 Presiding Officer to request recognition by the Presiding Officer. The Council Member shall confine the remarks to the agenda item 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 of 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 Presiding 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 away 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 that is 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, or 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. Speakers at public hearings are limited to five minutes for their presentation, which may be subject to extension with the approval of the Presiding Officer. Speakers are encouraged not to repeat what other speakers have previously presented but are allowed to express their concurrence with statements made by previous speakers. The Presiding Officer shall announce these restrictions prior to the commencement of the hearing.

After all citizen input has been received, the Presiding Officer shall 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.

If no legislation is intended to be taken at the Council Meeting at which a public hearing has been scheduled, the Presiding Officer shall so inform the audience and will also indicate to the audience when such legislation is expected to be considered by the City Council.

Closing Debate/Call for Vote

The Presiding Officer has the right to close debate, unless a majority of the Council vote to continue the discussion. At the conclusion of debate, the Presiding Officer shall call for a vote. Also 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 three-fourth (3/4) 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 City Clerk 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 shall vote, but no member shall vote on a subject in which he or she has a conflict-of-interest as set forth in the Code of Iowa.

A Council Member who is disqualified by reason of a conflict of interest shall not engage in discussion nor debate nor vote upon the matter on which the member is disqualified. Any Council Member who is so disqualified shall openly state or have the Presiding Officer announce the fact and nature of such conflict of interest in open meeting prior to Council consideration of such matter, and shall not be subject to further inquiry. Council members who believe they may have a conflict of interest are encouraged to consult with the City Attorney prior to the Council Meeting.

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 three-fourth (3/4) 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. Motion to suspend the consideration requirement and approve the ordinance at the same meeting shall be made as follows; motion to introduce the ordinance and suspend the consideration requirement provided for in section 380.3 of the Iowa Code.

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.

Once the time limit for reconsideration of an action has expired, such matter will not be placed on the City Council agenda within six months after the initial vote on such item has occurred, unless significant new information has been brought to the attention of the City Council or without the unanimous consent of the City 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. Staff may respond to questions by members of the public with permission of the Presiding Officer. Staff shall always respond in a polite and respectful 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 approach the podium 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) 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, without the consent of the Presiding Officer.
6) 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 without the consent of the Presiding Officer.
7) 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.
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 City Clerk 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.
11) There shall be no clapping, chanting, booing, or similar types of outbursts by members of the audience during Council Meetings.

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 damage 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.

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. These rules should, at a minimum, be reviewed every two (2) years.

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.

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 of procedures. In the absence of the City Attorney, the City Manager shall be considered the final authority on any question or interpretation of these rules of procedure.