

City of Indianola

Rules of Procedure For Conduct of City Council Business

INSERT DATE

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RULES OF PROCEDURE

The Council shall determine the rules of its own proceedings by resolution, and the Clerk shall keep such rules on file for public inspection. Such rules shall be reviewed at least annually.

QUORUM

Four (4) out of the total six (6) members of the City Council constitute a quorum to do business. When there is no quorum, the Mayor, Mayor Pro Tem, or any other Council Member shall adjourn the meeting. If no Council Member is present, the City Clerk shall adjourn the meeting.

AGENDA

All written petitions, communications, and other matters to be submitted to the City Council for inclusion in the agenda packet for consideration at a scheduled regular, special or work session meeting should be delivered to the City Clerk no later than the time established by current administrative policy. The City Manager, in consultation with the City Clerk, will establish the agenda and the order of the agenda with the exception of items added by Council Member(s) under the following paragraph. The Mayor may add to the agenda.

A Council Member may request the City Manager to add an item to the agenda only with approval by council majority. Once a requested item is added to the agenda, only the requesting Council Member(s) or City Council may remove it.

The City Council shall have the authority to delete items from the agenda and change the order of items on the agenda.

The City Manager and the City Clerk shall compile the agenda, listing all matters to be considered by the Council according to the order of business, lettering and/or numbering each item consecutively. A copy of the agenda, complete with all accompanying staff reports and other background materials, shall be known as the agenda packet. The agenda packet for any regular council meeting shall be delivered to each Council Member, the Mayor, City Attorney, and City Manager in accordance with Iowa law governing open meetings. All attempts shall be made to ensure the agenda packet is published and delivered no later than the Thursday preceding the meeting. The agenda packet for any special or work session council meeting shall be distributed to each Council Member, the Mayor, City Attorney, City Manager, and department heads in accordance with Iowa law governing open meetings (24 hours in advance of the meeting). It is strongly recommended that questions concerning the minutes of a meeting, the bill list, an agenda item or any supporting documentation for an agenda item or items be submitted by phone, e-mail or in person to the City Manager for research and/or explanation or correction prior to 12:00 PM (noon) on the day of the meeting.

The agenda with supporting material will be posted to our web site no later than 24 hours prior to the scheduled meeting. A copy of the agenda only will be available in the Council Chambers during the meeting.

LENGTH OF MEETING

The length of any meeting shall be limited to one and one half hours. This limitation may be extended for any particular meeting by a super majority (2/3's) vote to suspend the rules and extend the meeting by the time required. Any business remaining to be acted upon by the Council after the time limit shall be postponed to the next scheduled meeting.

CONDUCT OF BUSINESS

Order of Business

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

- Call to Order
- Pledge of Allegiance
- Roll Call
- Public Comment
- Agenda Approval
- Consent Agenda:
 - 1. Bill Lists and Payroll
 - 2. Approval of Minutes of prior council meetings
 - 3. Setting dates for future public hearings
 - 4. Approval of liquor, cigarette license applications
 - 5. Approval of Pay Estimates, Change Orders, Certificates of Completion, Releases of Retainage
 - 6. Other business considered by the City Manager to be simple and non-controversial
 - 7. Salary approvals
- Council Reports
- Mayor's Report
- Public Consideration
 - A. Old Business
 - B. New Business
- Other Business
- Adjournment

The City Manager, prior to the council meeting, and Mayor shall have the authority to vary from this recommended schedule to expedite the conduct of business or accommodate persons having business to be considered by the Council.

Special Meeting

Special meetings will be set by the Mayor or at the request of four (4) Council Members.

Closed Session: Executive Session Policy

City Council meetings will be open unless a closed session or exempt meeting is allowed by law. The City Council may hold a closed session or exempt meeting in the situations stated below.

Exceptions to the Open Meetings Law

Closed sessions take place as part of an open meeting. The item for discussion in the closed session will be listed as part of the tentative agenda on the public notice. The motion for a closed session, stating the purpose for the closed session, will be made and seconded during the open meeting. A minimum of two-thirds of the City Council, or all of the City Council members present, must vote in favor of the motion on a roll call vote. Closed sessions will be recorded and have detailed written minutes maintained by the City Clerk and/or City Manager. Any action on matters discussed in the closed session will be taken in an open meeting.

The minutes and the audio recording will restate the motion made in the open meeting, the roll call vote, the members present, and the time the closed session began and ended. The audio recordings and the written minutes will be kept for one year from the date of the meeting. Real estate related minutes and tapes shall be made public after the real estate transaction is completed.

The detailed minutes and audio recordings will be secured (via appropriate means including electronic) and will not be public records open to public inspection. The minutes and audio recordings will only be available to the City Council members, other City officials who were entitled to be at the Executive Session, or opened upon court order in an action to enforce the requirements of the open meetings law.

Procedure for City Council members to listen/view of closed session:

- Submit a request to the City Clerk, City Attorney, and City Manager.
- Arrangements will be made to review the minutes and audio recording; and
- A log will be maintained of access to minutes and audio recording.

Electronic Meeting

(Reference Code of Iowa §21.8)

1. A governmental body may conduct a meeting by electronic means only in circumstances where such a meeting in person is impossible or impractical and only if the governmental body complies with all of the following:
 - a. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible. A meeting by electronic means may be conducted without complying with public access requirements if conducted in accordance with all the requirements for a closed session contained in Code of Iowa §21.5.

- b. The governmental body complies with Code of Iowa §21.4. For the purpose of this paragraph, the place of the meeting is the place from which the communication originates or where public access is provided to the conversation.
- c. Minutes are kept of the meeting. The minutes shall include a statement explaining why a meeting in person was impossible or impractical.

Work Session Meeting

The Council may conduct work session meetings or study sessions on matters which are expected to come before the Council for formal action at a regular meeting or otherwise need study by the Council. Items to be considered will be placed on an agenda as required by the open meetings statutes.

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At work session meetings the Council will receive information and presentation of issues from the City Manager and City staff. Council may ask questions and may request that certain information be provided or issues be addressed when items are considered further at another work session meeting or a regular or special meeting of the Council. Council may direct that matters under consideration be brought forward for formal action at a regular or special meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before a matter is considered further.

Final action on items is not taken during work session or study sessions. No formal vote of the Council in favor or against any work session or study session agenda item may be taken.

Work sessions are not public hearings. On public hearing items, public testimony will be taken before Council action on the item at a regular or special meeting. No member of the public or interested party has the right to make a presentation or address the Council on an item under consideration in a work session or a study session. Questions may be directed by the Council to a member of the public or another interested party or, in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item or a particular question related to an agenda item. The Council may limit or end the time for such response to questions or presentation.

DECORUM DURING COUNCIL MEETINGS

Requirements

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

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

- We may disagree, but we will be respectful of one another.
- All comments will be directed to the issue at hand.
- Personal attacks will not be tolerated.

DUTIES OF PRESIDING OFFICER

The Mayor (or in the Mayor's absence, the Mayor Pro Tem) shall be the presiding officer of the Council Meetings. In the absence of the Mayor and the Mayor Pro Tem, the City Clerk shall call the council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Mayor Pro Tem, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. The presiding officer's name shall be called last on any question in voting.

APPROVAL OF MINUTES

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

CORRECTION OF MINUTES

When a Council Member wishes to correct the minutes, that Council Member should contact the City Clerk in advance of the meeting with the correction. The City Clerk will then verify the correction by listening to that meeting's audio recording. Upon verification of an error in the minutes, the City Clerk, in coordination with the City Manager, provide the corrections to the Council in advance of the meeting, immediately prior to the meeting or during the meeting. If time constraints prevent this procedure, the Council should continue the approval of the minutes to the next meeting, and direct the City Clerk to verify the error.

RULES OF DEBATE

Presiding Officer

The Mayor as presiding officer may debate, but may not make a motion. The major functions of the Mayor during council sessions are generally to:

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

The Mayor Pro Tem as presiding officer may debate, vote as a regular Council Member and retains all the powers as a Council Member. The presiding officer is subject to the limitations of debate that are imposed on all Council Members.

In the absence of the Mayor or Mayor Pro Tem, the City Clerk shall call the meeting to order and a temporary presiding officer shall then be selected by the Council Members present.

Council Member

Every Council Member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate. A Council Member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege or appeal of presiding officer's procedural ruling).

ADDRESSING COUNCIL FROM FLOOR

Securing Permission to Speak

Any persons desiring to address the Council are required to follow the procedures as posted in Council Chambers and shall complete a public comment card indicating the agenda item on which they wish to comment, or the topic for items not on the agenda. Remarks should be directed to the matter being considered and toward the City Council, not City Staff.

Individuals

Persons addressing the Council will stand at the podium, give their full name and address in a clear and audible tone of voice for the record. Citizens shall be limited to three minutes speaking time per item, unless additional time is granted by council majority. Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A majority vote of the Council may extend or decrease the time limitations on this rule. All remarks shall be addressed to the Council as a whole and not to any individual member. Without the permission of the presiding officer or Council majority only Council Members and the person addressing the Council shall be permitted to enter into any discussion.

Spokesperson for Group Presentations

Organized groups that wish to make a presentation longer than the time allowed will be required to contact the City Clerk prior to the meeting.

Open Forum

A maximum of twenty (20) minutes will be set aside for members of the public to address the Council on any item not on the agenda and on any subject over which the Council has the authority to act.

- Presentations will be limited to three (3) minutes **to a maximum of (5) minutes.**
- Preference will be given to individuals who did not speak at the previous council meeting's Open Forum.
- Individuals may not speak more than once during Open Forum.
- All speakers must address the entire Council and will not be permitted to engage in dialogue.

Any individual addressing the Council will be asked by the presiding officer to clearly state his/her name and address prior to speaking before the Council or minimally during or after his/her presentation to the Council so that his/her name may be accurately recorded in the minutes of the meeting.

Generally, matters presented during the Open Forum which require further investigation or information shall be referred to City staff, and if Council determines that action is required, the item may be placed on a future agenda.

Public Hearings

Interested persons or their authorized representatives may address the Council in regard to public hearing matters under consideration.

For land use application public hearings, the applicant presentation shall be limited to a maximum of ten (10) minutes; all other individuals shall be limited to a maximum of five (5) minutes.

For appeals public hearings, the appellant shall be limited to a maximum of ten (10) minutes; all other individuals shall be limited to a maximum of five (5) minutes.

After a motion is made and seconded by a Council Member following a public hearing on the matter so moved, further discussion from the public on this matter will be denied, except upon the request of a Council Member through the presiding officer.

PREPARATION OF THE MINUTES

Method of Keeping Minutes

The minutes of the Council shall be prepared at the direction of the City Clerk and shall be recorded in a book or file kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs with subheadings. The minutes must contain only a record of such business as was actually passed upon by a vote of the Council and shall not be required to contain a verbatim transcript of the proceedings. A record shall be made of the names of persons addressing the Council, the title of the subject to which their remarks relate and whether they spoke in support of or in opposition to a matter.

Remarks of Council Members Entered in Minutes

A Council Member may request, through the presiding officer, the privilege of having an abstract of that member's statements on any subject under consideration by the Council entered in the minutes. If the Council consents, such statements shall be entered in the minutes.

Delivery of Minutes

The City Clerk shall cause a copy of the minutes to be forwarded to the Mayor and each Council Member and department head, typically delivered with the agenda packet for the next regular meeting.

PROCESSING COUNCIL MAIL

The City Clerk, working with the City Manager, is authorized to receive and review all mail generally addressed to the City Council or Mayor. All correspondence not requiring Council action will be acted upon between council meetings and referred to City staff if appropriate. Action taken on these communications will later be reported to the City Council.

SPECIAL COMMITTEES

Unless otherwise specified by City Code or Statute, the City Council may create and appoint advisory or ad hoc committees consisting of Council Members, City staff and/or private citizens, as deemed desirable and necessary to assist and advise the City Council in its work.

PREPARATION AND REVIEW OF ORDINANCES, RESOLUTIONS AND CONTRACT DOCUMENTS

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

COUNCIL ACTION

(Reference Code of Iowa §380.3, 380.4)

Procedure for Council Action

All Council Members shall vote by a roll call vote. The roll call shall be taken in the following order: the Council Member sitting to the left of the Council Member who made the motion, preceding around the table to the Council Member who made the motion. All ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a Council Member, by motion duly made and seconded. Debate shall not be permitted on a motion until it is seconded. After the vote has been called, there will be no further discussion or debate, except that members of the Council may be permitted by the presiding officer to explain their votes. All ordinances may be introduced and passed by reading the title only. Ordinances shall be read in full only when requested by a majority of the Council.

Disqualifications/Abstentions

All members present at any meeting may disqualify themselves or abstain from voting, in which case the disqualification shall be publicly declared and a record made thereof.

The City Attorney is available to help Council Members decide if they should declare a disqualification on any issue. In these or other instances Council Members may choose to use the phrase, "...to avoid the appearance of impropriety."

Vote Required

(Reference Code of Iowa §380.4)

A City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance. (Code of Iowa §364.3)

a. Ordinances, Amendments and Resolutions

Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council unless otherwise required by statute (i.e., passage of a Resolution of Necessity in final form). A proposed ordinance or amendment must be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a vote of not less than three-fourths of all the members of the Council. If a proposed ordinance, amendment or resolution fails to receive sufficient votes for passage at any consideration, the proposed ordinance, amendment or resolution shall be considered defeated (Code of Iowa §380.3). If the rule requiring three separate readings is suspended and the proposed ordinance fails to pass by the required three-fourths vote, the proposed ordinance will be placed on the agenda for the next regular meeting of the Council.

b. Motions

Passage of a motion requires a majority vote of a quorum of the Council.

Pursuant to Code of Iowa §380.4, *“all of the members of the Council”* refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council Member declines (abstains) to vote by reason of a conflict of interest. A conflict of interest is defined as *“a direct relationship or pecuniary interest in a matter.”* However, if a Council Member declines (abstains) to vote for any other reason, that Council Member’s seat will be included in *“all of the members of the Council.”*

Motion to Reconsider

A motion to reconsider may be made by any Council Member on the prevailing side and must be made at the same meeting as the original action. The motion needs a second. It is debatable, if the original action it reconsiders was debatable. The motion requires a majority vote to adopt and cannot be reconsidered.

Motion to Table

The council meeting agenda is generally modified during a council meeting when voting on the “Agenda Approval.” A motion to table an agenda item during a council meeting can only be used for a reason of urgency such as a Council Member or public participant arriving late, or needing to leave early and requesting an item be moved forward. A motion to table, for a *reason of urgency*, will only bring forward the **next** agenda item. If more than one item needs to be tabled before reaching the item in question, a motion to table several items at once could be made (i.e., “I move to table Items 8 through 15 in order to proceed with Item 16.”). A motion to table requires a second, is not debatable (the chair may ask the maker of the motion to state their reason for tabling the motion), is not amendable, requires a majority vote for passage and, if adopted, cannot be reconsidered. The tabled item(s) may then be taken from the table by motion, second, and a majority vote as soon as the interrupting issue is

disposed of. A motion to table should not be used to postpone an agenda item, to limit public debate, or to suppress a minority of the Council.

Items or motions that have been tabled, placed in the care of the City Manager or City Clerk, are not automatically placed on the agenda for the next meeting. If not taken from the table in the meeting at which tabled, there will be a notation made in the meeting's minutes that the item(s) or motion(s) have been tabled. Council Members interested in taking action on a tabled item or motion from the previous meeting must request that the item or motion be placed on the agenda a minimum of 48 hours prior to the next council meeting.

If a Council Member wishes to take action on a tabled item or motion during the meeting at which the item or motion had been tabled, the Council Member must bring back the item or motion by moving to "take (the item or motion) from the table." The motion to "take from the table" needs a second, is not debatable and requires a majority vote. If an item or motion is not taken from the table during the meeting at which it was tabled or by the close of the next regularly scheduled council meeting, the item or motion dies.

Motion to Postpone

Postponing an item or a motion to a specific date and time ensures that the item or motion will be on the agenda at the adopted date and time. Any item or motion which is to be considered at the next meeting should be postponed to that meeting rather than tabled.

Tie Vote

When a tie vote occurs, the motion is lost.

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 Manager shall be considered the final authority on the rules of procedure for the conduct of City Council business.

REPORTING

In accordance with City Code, the chain of command and reporting structure for the organization is as follows:

The City Council oversees the following:

- City Attorney
- City Clerk
- City Manager
- City Treasurer

The City Manager oversees all other city employees. His/her direct reports are as follows:

- Finance Director
- HR Director
- Police Chief
- IT Director
- Park & Rec. Director
- Street Department Superintendent
- Wastewater Superintendent
- Fire Chief
- Community & Economic Development Director

With the exception of City Attorney, City Clerk, City Manager, & City Treasurer as designated above, elected officials including the Mayor, exercise no power over city employees. It is not the duty of the elected officials to involve themselves in employee matters. Should elected officials be contacted regarding an employee matter, he/she shall refer the concern to the City Manager.

When contacted by a constituent regarding any city concern/complaint, elected officials **shall** contact the City Manager so that appropriate staff can be involved in the process. If a personal visit is requested by the constituent, no elected official should make this visit without a staff person from the appropriate department. 4/9/2019 4/9/2019 ~~3/3/2020~~ ~~2/19/2020~~

MISCELLANEOUS

Unless otherwise provided for in these Rules of Procedures, all other City Codes and adopted City policies shall govern.

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