



**BUSINESS OF THE CITY
COUNCIL
AGENDASTATEMENT**

Item No. 13
For Meeting of 03/31/16

ITEM TITLE: Discussion of council policies and procedures.

Contact Person: Jodi Eddleman, City Clerk

Summary Explanation: Council member Ed Kuhl requested that there be a discussion on the council policies and procedures. Attached you will find the current policy on City Council procedures and rules. Each councilmember receives a copy when they take office. This policy was adopted in 2010 and amended in 2012.

____ Resolution ____ Ordinance ____ Contract ____ Other (Specify) Discussion

Funding Source: _____

APPROVED FOR SUBMITTAL _____

STAFF RECOMMENDATION: Discussion and provide direction.

CITY OF NORWALK, IA CITY COUNCIL PROCEDURAL RULES

Part I: General Provisions

Rule 1: Scope

These rules shall govern the conduct of the City Council and shall be interpreted to insure fair and open deliberations and decision making.

Rule 2: Rules of Order

The generally accepted rules of procedure found in Robert's Rules of Order, Newly Revised, shall govern City Council meetings unless a change from those rules is approved by the Mayor and/or Council for a specific reason.

Rule 3: 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.

Rule 4: Interpretation

These rules are intended to supplement, and shall be interpreted to conform to, the Statutes of the State of Iowa and the Ordinances of the City of Norwalk.

Part II: Time and Place of Meetings

Rule 5: Regular Meetings

Regular meetings of the City Council are held the first and third Thursday at 6:30 p.m. in the City Hall. Council may, by resolution, continue, reschedule, or postpone any regular meeting to another date, time, or location, or may cancel a meeting. All public hearings shall be scheduled for 6:35 p.m. on the day of the meeting at which the hearing is scheduled. Regular meetings will be taped to ensure accuracy of the official City Council minutes. Upon acceptance of the minutes at the next regular City Council meeting, the recordings shall be erased by the City Clerk.

Rule 6: Special Meetings

Special meetings may be called 24 hours in advance in accordance with State Statutes. 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 Administration Office. Special meetings will be taped to ensure accuracy of the official City Council minutes. Upon acceptance of the minutes at the next regular City Council meeting, the recordings shall be erased by the City Clerk.

Rule 7: Work Sessions

Works sessions of the City Council are held as determined by Council but as a practice, are scheduled on the 2nd and 4th Thursdays of each month at 6:30 p.m. Council, by resolution may continue, reschedule, or postpone any work session providing notice of

a future meeting and place. No formal action will be taken at a work session. Work sessions will not be taped although record of the meetings will be taken and made available by the City Clerk.

Rule 8: Closed Meetings

A closed session may be held by an affirmative vote of either two-thirds of the members of the City Council or all of the members present at the meeting. The City Council may hold a closed session only to the extent a closed session is necessary and for discussion of any statutorily authorized purpose, including, without limitation, the following:

- A. Records deemed confidential by State or Federal law,
- B. Application for letters of patent,
- C. Present or imminent litigation,
- D. Licensing examination or investigation,
- E. Law Enforcement matters involving investigations, inspection, auditing, selection, prosecution, or settlement of cases,
- F. Evaluation or professional competency of an individual for appointment, hiring, performance or firing, when the individual requests a closed session,
- G. Real estate matters where premature disclosure increase the cost to the City.

The vote off 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 should be tape recorded with detailed minutes of all discussion, person present, and action occurring. The minutes and tape recording shall be sealed and not be public record unless Ordered by a Court of competent jurisdiction. The minutes and tape recording shall be kept for a period of at least one year from the date of the meeting.

Part III: Agenda

Rule 9: Preparation of the Agenda

- The Mayor and ~~City Administrator~~City Manager shall assemble a preliminary agenda eight (8) days prior to the next meeting.
- The agenda will be made available to the Council prior to submitting for publication.
- Additions by the Mayor, Council Members or staff can be made at that time by contacting the City Clerk.
- A minimum of twenty four (24) hours is necessary for proper public notice.
- Emergency items (as specified by state statute) can be added up to the start of the meeting.
- At the meeting, the Mayor, council persons, and/or the public may request items be placed on the agenda for upcoming meetings. The final decision, if an item is to be placed on a future agenda, shall be that of the Mayor and/or the City Council.

- Any item from the agenda can be removed by the mayor subject to the approval of the majority of the Council.

Part IV: Conduct of Meetings

Rule 10: Presiding Officer

The Mayor, or in the Mayor's absence or incapacity, the Mayor Pro Tem, shall be the presiding officer at all Council Meetings. If both the Mayor and Mayor Pro Tem are absent, the council members present will select the presiding officer by vote.

Rule 11: Quorum

The Mayor or Mayor Pro Tem shall call the meeting to order at the appointed hour. 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 in accordance with Rule 10.

The Mayor shall establish the seating arrangements for council members and city staff.

Rule 12: 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 Council, the City Clerk shall note members present and enter those names in the minutes. The clerk shall determine the presence of a quorum as required by law and these rules.

Rule 13: Approval of Agenda

The Mayor or Mayor Pro Tem shall call for approval of the agenda as presented. The Council may adopt the agenda as presented, or may amend the agenda as provided by these rules, and then adopt the agenda as amended. Additions and deletions to the agenda shall be in accordance with State Statutes.

Rule 14: Approval of Minutes

The Mayor or Mayor Pro Tem shall call for approval of the minutes of the previous meeting or meetings, as listed. At this time, anyone who has identified an error in the minutes shall speak out as to the error. If a change is necessary and is agreed to by a majority of the Council, the motion to approve shall be made with the changes noted.

Rule 15: Mayor's Welcome and audience comment period

The Mayor or Mayor Pro Tem shall welcome all in attendance and open the floor for public comment under the conditions identified below in Part V. "Citizen Participation".

Rule 16: Consent Agenda

The Agenda shall separately designate items on a "Consent Agenda" which may be acted upon by the Council as a single vote. The "Consent Agenda" shall consist of routine, noncontroversial items which, may be appropriately considered in total at the Council Meeting. If any council member exercises a prerogative 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.

Rule 17: Hearings Agenda

The Clerk shall include legally required public hearings in a separate section of the agenda designated as “Public Hearings”. Unless it is required by statute or is 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 Council. Action on the item in question shall take place immediately following closure of the public hearing.

Rule 18: Control of Discussion

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

Rule 19: 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 council asks to “suspend the rules”, for good cause, and/or for purposes of reordering the Agenda, the Council shall take a vote to modify the placement of the Agenda item(s).

Rule 20: Call for the Vote

The “Call for the Vote” is a motion calling for the 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 2/3 of the Council present votes “aye”.

Rule 21: Discussion

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

Rule 22: Limit on Remarks

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

Rule 23: Presiding Officer’s Right to Enter into Discussion

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

Rule 24: Presiding Officer’s Right to Close Debate

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

Rule 25: Votes Necessary for Passage

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

Rule 26: Mayoral Voting Rights

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

Rule 27: 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 Council. The Mayor Pro Tem may not veto a measure if he was entitled to vote on the measure at the time of passage. The Mayor may exercise his veto power within fourteen (14) days of the passage and he must explain, in a written message, the reason for such veto to the Council Members at the time of the veto. The Council Members may override the Mayor's veto by a two-thirds (2/3) majority or four (4) of the Council Members within thirty (30) days of the veto.

Rule 28: 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.

Rule 29: Council Votes Necessary to Suspend Rules and Waive the Second and/or Third Readings of an Ordinance

A three-fourths (3/4) vote or four (4) Council members, is necessary to suspend the Rules and waive the second and/or third readings of an ordinance.

Part V: Citizen Participation

Rule 30: Citizen's Right to Address Council

Persons other than the Mayor or a Council member shall be permitted to address the Council during the "Citizen Forum" or public hearing portions of the Agenda or at other times as determined by the Mayor or the City Council.

Rule 31: Manner of Addressing Council

A person desiring to address the 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.

Rule 32: Time Limit on Citizens Remarks

An individual citizen shall be limited to three minutes speaking on any subject addressed by the council, unless additional time is granted by the presiding officer or majority of those Council members present. Total citizen input on any subject under Council consideration may be limited to 3 minutes.

Rule 33: 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 may be barred by the presiding officer from further comment before the City Council during that meeting, and may be removed from the meeting at the discretion of the presiding officer for disruptive conduct.

Part VI: Council Action

Rule 34: Motion Required

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

Rule 35: Motion to Reconsider

A motion to reconsider a prior vote shall be made by a 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 meeting of the City Council immediately successive to the original action.

Rule 36: 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.

Rule 37: Call the Question

At any time in the debate, the presiding officer may call for a vote on the item. Alternatively, 2/3 of those Council members present may call for a vote at any time (See Rule 20).

Rule 38: 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 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 Council member present to cast his/her vote individually. The City Clerk will then read the results of the roll call.

Rule 39: Abstentions Due to Conflict of Interest

If it is determined by any member of the City Council that he or she has a conflict of interest on an agenda item, said member shall so declare the nature of his/her conflict prior to commencement of discussion of the agenda item. Upon declaration of his/her conflict of interest of Council Member shall be excused from the dias. He/She shall have the right to address the Council from the floor.

If a specific majority or unanimous vote of the Council is required by statute, the majority or vote must be computed on the basis of the number of Council Members not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum.

Rule 40: 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 VII: Other Provisions

Rule 41: Interaction with Litigants

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

Part VIII: Amendment of Procedural Rules

Rule 42: Suspending Procedural Rules

These rules may be suspended by the City Council for the duration of the current meeting following a 2/3 vote of the Council Members present.

Rule 43: Amendments to Procedural Rules

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