

City of Waukee

Rules of Procedure For Conduct of City Council Business

**December 2023
Resolution #2023-537**

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RULES OF PROCEDURE

The Council approves Robert's Rules of Order Newly Revised as the guide to parliamentary procedure (City Council Resolution #04-25). The Council shall also determine the rules of its own proceedings by resolution, to be known as the Rules of Procedure for Conduct of City Council Business (the "Rules of Procedure"), and the Clerk shall keep such rules on file for public inspection. Where there is any discrepancy between the two sets of rules, the Rules of Procedure shall supersede.

QUORUM

Three (3) out of the total five (5) 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 12:00 PM (noon) of the Wednesday prior to any meeting scheduled to take place on a Monday or Tuesday, or no later than 12:00 PM (noon) two weekdays prior to any meeting scheduled to take place on any other weekday. The City Administrator, in consultation with the Mayor, City Council, City Clerk, and department directors will establish the agenda and the order of the agenda.

The City Administrator, Assistant City Administrator or 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 made available on the City website to the Mayor, each Council Member, City Attorney, City Administrator, Assistant City Administrator, department directors and the public no later than the Friday preceding the meeting.

The agenda packet for any special or work session council meeting shall be made available on the City website to the Mayor, each Council Member, City Attorney, City Administrator, Assistant City Administrator, department directors and the public no later than the business day preceding the meeting.

It is strongly recommended that questions concerning 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 Administrator for research and/or explanation or correction prior to 12:00 PM (noon) on the day of the meeting.

The agenda only, without supporting material, is to be available to the public no later than 24 hours prior to the scheduled meeting by posting in those locations approved via ordinance and shall be made available in the Council Chambers during each 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

Open Forum

Agenda Approval

Monthly Mayor's Report (on the first regular meeting agenda each month)

Presentations

Public Hearings

Public Hearing Action Items

Consent Agenda:

1. Bill Lists and Payroll
2. Approval of Minutes of prior council meetings
3. Approval of alcohol, cigarette/tobacco/nicotine/vapor license applications
4. Approval of Pay Estimates, Change Orders, Certificates of Completion, Releases of Retainage (Change Orders that shall increase or decrease the total project contract amount by \$50,000 or more shall be placed under the "Remainder of Agenda")
5. Setting dates for future public hearings
6. Other business considered by the City Administrator to be simple, routine and non-controversial

Remainder of Agenda:

1. Ordinances for Adoption
2. Resolutions for Adoption
3. Other Business

Reports

Closed Session (as needed)

Adjournment

The City Administrator, 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, City Administrator, or at the request of three (3) Council Members.

Closed Session

(Reference Code of Iowa §21.5)

A closed session may be held only by an affirmative vote of either 2/3 of the entire 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 the discussion of any statutorily authorized purpose as referenced in the Code of Iowa §21.5.

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 detailed minutes and audio recording of a closed session shall be sealed and shall not be open to public inspection except by order of the court as described in Code of Iowa §21.5(5). A governmental body shall keep the detailed minutes and audio recording of any closed session for a period as described in Code of Iowa §21.5(1) and 21.5(5).

Electronic Meeting

(Reference Code of Iowa §21.8)

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:

1. 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.
2. 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.
3. 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.

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, the Mayor or presiding officer may permit a brief presentation by a member of the public or another interested party on an agenda item or a particular question related to an agenda item. The Mayor or presiding officer may limit or end the time for such response to questions or presentation.

CANCELLATION OF MEETINGS

Every effort shall be made to ensure that meetings are held as posted. However, from time to time, there may be a need to cancel a regular, special or work session meeting shortly before the meeting begins or after the meeting has begun. Some possible reasons for cancellation include, but are not limited to, inclement weather or lack of a quorum. Council meetings may be cancelled if deemed necessary by the Mayor, Mayor Pro Tem and/or City Administrator. Following such cancellation, the City Clerk shall inform the public of the cancellation through posting in those locations approved via ordinance and through the City's social media platforms.

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 Mayor or presiding officer, and upon recognition by the Mayor or 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. In the absence of the Mayor and the Mayor Pro Tem, the City Administrator or 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 or meetings 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 Administrator in advance of the meeting with the correction. Upon verification of an error in the minutes, the City Administrator will 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 Administrator 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.

Council Member

Every Council Member desiring to speak shall address the Mayor or presiding officer, and upon recognition by the Mayor or 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 Mayor or presiding officer's procedural ruling).

ADDRESSING COUNCIL FROM FLOOR

Open Forum

A maximum of twenty (20) minutes will be set aside during Open Forum for members of the public to address the Council on any item on the agenda other than an item posted as a public hearing, or on any subject over which the Council has the authority to act. Any persons desiring to address the Council shall first secure permission from the Mayor or presiding officer by either approaching the podium or raising their hand. If persons desiring to address the Council are participating by electronic means, those persons shall secure permission to speak through the methods provided by that electronic means.

Persons addressing the Council will stand at the podium, giving their full name and address in a clear and audible tone of voice so that his/her/their name may be accurately recorded in the minutes of the meeting. If a person is physically unable to stand at the podium, reasonable accommodations will be provided upon request.

All speakers must address the entire Council and will not be permitted to engage in dialogue. Individuals shall be limited to three (3) minutes speaking time, unless additional time is granted by the Mayor or presiding officer. A Council Member may object to the extension of time to the speaker by the Mayor or presiding officer. Such disapproval will be noted and a roll call will be taken on the question. Total citizen input on any subject under Council consideration can be limited to a fixed period by the Mayor or presiding officer. A majority vote of the Council may extend the time limitations on this rule.

Individuals may not speak more than once during Open Forum. Preference will be given to individuals who did not speak at the previous council meeting's Open Forum. Without the permission of the Mayor or presiding officer only the Mayor, 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 Administrator prior to the meeting.

Generally, matters presented during the Open Forum which require further investigation or information shall be referred to the City Administrator. If Council determines that action is required on a subject not on the current agenda, 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.

The applicant or appellant presentation, if any, shall be limited to a maximum of 10 minutes; all other individuals shall be limited to a maximum of 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 Mayor or 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 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 Mayor or 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 director, typically delivered with the agenda packet for the next regular meeting.

PROCESSING COUNCIL MAIL

The Mayor (or designee) is authorized to receive and review all mail generally addressed to the City Council. 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

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

PREPARATION AND REVIEW OF ORDINANCES, RESOLUTIONS AND CONTRACT DOCUMENTS

Ordinances and resolutions shall be prepared for presentation to the City Council upon the request of the Mayor, any Council Member, the City Administrator, Assistant City Administrator, department directors, or through the initiative of the City Attorney.

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

COUNCIL ACTION

(Reference Code of Iowa §380.3, 380.4)

Procedure for Council Action

All Council Members shall vote either electronically or by roll call when called upon to do so by the Mayor or presiding officer. The results of any electronic vote shall be displayed on monitors in the Council Chambers and the results of the vote read aloud by the City Administrator, Assistant City Administrator or City Clerk. Any roll call vote shall be taken in the following order: the Council Member who made the motion, the Council Member who seconded the motion, then at random. 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 Mayor or 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/Conflicts of Interest

All Council Members present at any meeting may disqualify themselves or abstain from voting in the event of a conflict of interest, in which case the reason for the disqualification or abstention shall be publicly declared and a record made thereof. A conflict of interest is defined as “a direct relationship or pecuniary interest in a matter.”

The City Attorney is available to help Council Members decide if they should declare a disqualification or abstention due to a conflict of interest on any issue.

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).

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. 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. The motion requires 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. Only one motion to reconsider an action of the council is allowed.

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 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 no later than 12:00 PM (noon) of the Wednesday prior to any meeting scheduled to take place on a Monday or Tuesday, or no later than 12:00 PM (noon) two weekdays prior to any meeting scheduled to take place on any other weekday.

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