

*CITY OF CLEAR LAKE, IOWA*

*RULES OF ORDER & PROCEDURE  
FOR CONDUCT OF CITY COUNCIL BUSINESS*

*ADOPTED BY THE CLEAR LAKE CITY COUNCIL*

*RESOLUTION NO.: 03-71*

*EFFECTIVE: AUGUST 4, 2003*

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## **RESOLUTION NO. 03-71**

### **RULES OF PROCEDURE FOR CONDUCT OF CITY COUNCIL BUSINESS CLEAR LAKE, IOWA**

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Clear Lake that the following rules of the City Council shall govern all proceedings of the City Council therein described.

BE IT FURTHER RESOLVED, that violation of these rules shall not be construed as a penal offense, except that breach of the peace or willful failure to comply with the lawful orders of the Council or its presiding officer shall be punishable as misdemeanors under applicable law.

#### **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.

#### **QUORUM**

Three (3) members of the City Council constitute a quorum to do business, but less than that number may gather from time to time. 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 or Mayor (if present) 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 regular or adjourned regular meeting should be delivered to the City Clerk no later than 12:00 p.m. on the Thursday preceding the Council meeting. The City Administrator, in consultation with the Mayor, City Council, City Clerk, and department heads will establish the agenda and the order of the agenda. The City Council shall have the authority to delete items from the agenda and change the order of items on the agenda. The City Administrator shall compile the agenda, listing all matters to be considered by the Council according to the order of business, numbering each item consecutively. A copy of the agenda, complete with all accompanying staff reports and other background materials, shall be delivered to each Council Member, Mayor, the City Attorney, City Administrator, and department heads, so as to be available to the recipient no later than the Friday preceding the Council Meeting. The agenda only, without the supporting material, is available to the public no later than 5:00 PM on the Thursday afternoon preceding the Council Meeting and in the Council Chambers during each meeting. In the case of a Special City Council meeting, the agenda will be available to the public no later than 24 hours prior to the scheduled meeting.

## **Consent Agenda**

The agenda shall separately designate items on a “Consent Agenda”, which may be acted upon by the Council on a single vote. The Consent Agenda shall consist of “routine”, non-controversial items, which may be appropriately considered in total at the Council meeting. If any Council Member exercises a prerogative to remove an item from the Consent Agenda, the rest of the items will be acted upon as a whole, with the removed item(s) being acted upon separately.

## **ORDER OF BUSINESS**

The recommended order of business shall be as follows:

- Call to Order - 7:30 p.m.
- Approval of Agenda
- Consent Agenda
- Citizen's Opportunity to Address the Council on Items not on the Agenda
- Unfinished Business
- New Business
- Council Committee Reports/Recommendations
- City Attorney's Report
- Mayor's Report
- Public Works Director's Report
- Chief of Police's Report
- City Administrator's Report
- Adjournment

The Mayor, with the prior consent of a majority of the City Council, shall have the authority to vary from this recommended schedule to expedite the conduct of business or accommodate persons having business before the Council.

## **Special Meetings Procedures**

Special Meetings will be set by the Mayor or at the request of three (3) Council Members. Every notice (agenda) for a special meeting will state the public's right to address the Council on the item(s) appearing on that agenda.

## **Closed Session**

A closed session may be held only by affirmative vote of either two-thirds (2/3) of the Council or all of the members present at the meeting and in accordance with §21.5 of the Code of Iowa. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

- a. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.
- b. To discuss application for letters patent.
- c. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
- d. To discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings if the governmental body is a licensing or examining board.
- e. To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.
- f. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.
- g. To discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property.
- h. To discuss matters regarding economic development where premature disclosure of the details relating to the project would put the City at a disadvantage with competing communities.

The minutes and the tape recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

### **Electronic Meetings**

A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of §21.8 of the Code of Iowa. The City must comply with the following elements as outlined in the state code.

- a. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.

- b. The governmental body complies with §21.4 of the Code of Iowa. 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.

### **Workshop Meetings**

The Council may conduct workshop meetings or study sessions on matters that 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.

At workshop meetings, the Council will receive information and presentation of issues from the City Administrator 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 workshop meeting or a regular meeting of Council. Council may direct that matters under consideration be brought forward for formal action at a regular 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 at workshop or study sessions. No formal vote of the Council in favor or against any agenda item may be taken at a workshop or study session.

Workshops are not public hearings. On public hearing items, public testimony will be taken before Council action on the item at a regular 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 workshop 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 Mayor 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

### **Enforcement of Decorum**

The Chief of Police, or his/her designee, shall be the Sergeant-at-Arms of the Council meetings. He/she shall carry out all orders and instructions given by the presiding officer of the purpose of maintaining order and decorum at Council meetings.

### **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 Clerk shall call the Council Meeting to order, whereupon the members of the Council who are present shall elect a temporary presiding officer. 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 reading; 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, he/she should contact the City Clerk in advance of the meeting with the correction. The City Clerk will then verify the correction by listening to the tape. Upon verification of an error in the minutes, the City Clerk will provide the corrections to the Council in advance of 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**

### **Mayor**

The Mayor may debate, but may not make a motion. The Mayor is subject to the limitations of debate that are imposed on all Council Members, but shall not have any of the voting rights and voting privileges of a Council Member.

### **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, avoiding all indecorous language and references to personalities and abiding by the following rules of civil 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).

### **Motion to Reconsider**

A motion to reconsider any action taken by the Council may be made only on the same day that the action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session on the same day. It may be made only by a Council Member who had voted in the majority on the item, which is the subject of reconsideration. This motion is debatable.

### **Motion to Rescind**

A Council action may not be rescinded on the same day the action was taken, but may be rescinded at any subsequent meeting of the Council. Action taken pursuant to resolution may only be rescinded by resolution. Actions taken by motion may be rescinded by motion. A motion to rescind is debatable.

Generally, a request to rescind a prior action of the Council, not already agendaized for that meeting, will not be acted upon at the same meeting at which the request is presented, but will be continued to the next meeting to permit notification of interested persons.

## **ADDRESSING COUNCIL FROM FLOOR**

### **Securing Permission To Speak**

Any persons desiring to address the Council are required to follow the procedures as proscribed by the Council and shall first secure permission from the presiding officer. Remarks should be directed to the matter being considered.

## **Individuals**

Persons addressing the Council will stand at the lectern and give their full name and address in an audible tone of voice for the record. A time limit may be stated as directed by the presiding officer, unless the presiding officer grants additional time. All remarks shall be addressed to the Council as a whole and not to any individual member. Without the permission of the presiding officer only Council Members and the person addressing the Council shall be permitted to enter into any discussion. Individuals addressing the Council shall have only one opportunity to address the Council on any agenda item. Individuals may be offered a second or even third opportunity if additional information or rebuttal is warranted at the discretion of the presiding officer.

## **Spokesperson for Group Presentations**

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

## **Open Forum**

**OPEN FORUM: A MAXIMUM OF 15 MINUTES WILL BE SET ASIDE FOR MEMBERS OF THE PUBLIC TO ADDRESS COUNCIL ON ANY ITEM NOT ON THE AGENDA.**

- Presentations will be limited to THREE MINUTES.
- Preference will be given to individuals who did not speak at the previous Council meeting's Citizen 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.

**SPEAKERS ARE REQUESTED TO STATE THEIR NAME AND ADDRESS SO THAT IT MAY BE ACCURATELY RECORDED IN THE MINUTES OF THE MEETING.**

Time limits may be increased at the presiding officer's discretion, subject to the approval of the City Council.

Generally, matters presented during the Open Forum that require further investigation or information shall be referred to 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.

## **ADDRESSING THE COUNCIL AFTER MOTION MADE**

After a motion is made and seconded by a Council Member, no person shall address the Council except upon the request of a member of the Council 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 Administrator and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs. 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 such matter.

### **Remarks of Council Members Entered in Minutes**

A Council Member may request, through the City Administrator, 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 each Council Member, and Mayor, typically delivered with the agenda packet for the next regular meeting.

## **PROCESSING COUNCIL MAIL**

The City Administrator (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 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 committees of the Council Members, private citizens, or both, as deemed desirable and necessary to assist and advise the City Council in its work.

## **PREPARATION AND STAFF APPROVAL OF ORDINANCES, RESOLUTIONS AND CONTRACT DOCUMENTS**

All ordinances shall be prepared or reviewed by the City Attorney. Ordinances shall be prepared for presentation to the City Council only if ordered by a majority vote of the City Council,

requested by the City Administrator, or prepared on the City Attorney's own initiative. As time allows, the City Attorney may assist individual Council Members in preparation of ordinances for future Council consideration.

The City Attorney or an authorized representative shall first approve all ordinances, resolutions and contract documents to be presented to the Council as to form and legality. When substantive matters of administration are involved, the City Administrator, the head of the affected department, or an authorized representative of the City Administrator shall also examine the ordinance, resolution, or contract for administration.

## **COUNCIL ACTION**

A roll call vote will be taken of all Council Members' votes.

All ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, by motion duly made and seconded. Debate shall not be permitted on a motion until it is seconded and until the motion has been restated by the presiding officer or the City Clerk. 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 and resolutions may be introduced and passed by reading the title only; they shall be read in full only when requested by a majority of the Council.

### **Disqualifications**

All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.

The City Attorney is available to help Council Members decide if they should declare a disqualification on any issue. There may be instances where financial conflict of interest is not the issue, and again, the City Attorney will provide guidance in determining whether a Council Member should disqualify him/herself from acting on the item. In these instances Council Members should use the phrase, "...to avoid the appearance of impropriety."

### **Vote Required**

#### **a. Ordinances and Resolutions**

Legislative action shall be taken by the Council only by means of an ordinance or resolution. Except where a greater number of votes are required by statute or Charter, any ordinance or resolution introduced or passed must receive the affirmative votes of the majority members of the Council.

## **b. Motions**

Administrative matters may be acted upon by motion. These actions, unless subject to Charter, statutory or Constitutional requirements, shall be deemed passed upon receiving a majority vote of all Council Members present.

## **Tie Vote**

If a tie vote should occur on any matter before the Council, the tie vote shall be resolved as follows:

### **a. Disqualification**

A tie vote resulting from a disqualification of one or more Council Members, with no Council Members absent and no vacancies on the Council shall constitute a denial of the appeal, or a defeat of the motion.

### **b. Absence**

A tie vote during the absence of one or more Council Members, or when there is a vacancy on the Council, shall cause the item to be automatically continued (typically to the next meeting); except that as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

## **Successive Tie Votes**

A tie vote at the next meeting on a matter, which has been continued as a result of a tie vote, constitutes a denial of the appeal or defeat of the motion.

## **Motion to Table**

A motion to table may be made to suspend City Council consideration of an item that appears on a City Council meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another Council Member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote of present Council Members for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Council Members will refrain from using a motion to table as a means of capriciously limiting debate among Council Members, to suppress a minority of the Council, or to avoid public input on an agenda item under consideration by the Council.

## **Amendments to Procedural Rules**

### *Suspending Procedural Rules.*

A Rule may be suspended by the City Council for the purpose of the matter under consideration by the City Council, following a 2/3 vote of the Council Members present.

### *Amendments to Procedural Rules.*

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

## **FACILITIES**

### **Council Chamber Capacity**

Council Chamber attendance shall be limited to the posted seating capacity thereof. While the Council is in session, members of the public shall not remain standing in the Council Chamber, except to address the Council, and sitting on the floor shall not be permitted.

### **Alternate Facilities for Council Meetings**

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the Council Chambers.

If the City Administrator has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Council Chambers and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Administrator shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes such action.

## **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.

PASSED and APPROVED this 4<sup>th</sup> day of August, 2003.

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Kirk Kraft, Mayor

ATTEST:

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Gail Robinson, City Clerk