




CITY OF IOWA CITY MEMORANDUM

Date: January 27, 2022
To: City Council
From: Eric Goers, City Attorney 
Re: Draft Council Meeting Rules

Following the Council work session on December 14th, staff was asked to draft a set of rules governing Council meetings. From what I could find in my research, many cities, perhaps most, have a single set of rules governing varying degrees of Council meetings and Council action. Some are adopted via resolution, while some codify them via city ordinances. Iowa City has historically taken a different approach. Our Charter, consistent with State Code, makes clear Council may adopt its own rules. See Charter 2.09 and Iowa Code section 372.13(5). We have also codified use of Robert's Rules of Order. See Iowa City Code 1-5-6. Otherwise, our rules have been passed in piecemeal fashion over the years, with most resolutions addressing a single aspect of Council governance.

Staff believes it would be advantageous to Council and members of the public to have a single resolution containing the governance rules of Council meetings. With the assistance of the City Clerk, the resolutions were compiled and incorporated into the draft rules. As with the numerous resolutions currently in effect, these rules can be amended through a single resolution, preserving the advantage of having a singular home for these rules.

Following my research into the rules of other cities and towns in Iowa, and input from the City Clerk and City Manager's Office, I produced a first draft. That draft was discussed and refined by a workgroup including the Mayor, Mayor Pro Tem, and Council member Weiner. Attached is the latest version of that draft for your consideration.

Much of the impetus for this work is public participation in Council meetings. That topic is addressed in Part V., Rules 18-23. Most of that is unchanged from present policy, with additional clarification added to help avoid disputes. In the time section (Rule 20), the Presiding Officer (typically the Mayor) is given authority to extend time for those needing translation. It also gives the Presiding Officer the ability to reduce speaking time from three minutes if there are an abundance of speakers wishing to be heard on a single topic. Many cities limit total public input to a set period of time, often as little as 5 minutes, divided by the number of people wishing to speak. This draft allows the Presiding Officer flexibility to account for the public interest in each item.

As always, feel free to contact me should you have any questions or concerns. In addition, I will be available to answer questions at your work session.

Cc: Geoff Fruin, City Manager
Kellie Fruehling, City Clerk

City Council Procedural Rules for the City of Iowa City
(adopted in Resolution No. 22-_____)

Part I. General Provisions

Rule 1. Scope of Rules. These rules shall govern the conduct of the Council and shall be interpreted to ensure fair and open deliberations and decision making.

Rule 2. Robert's Rules of Order Adopted. The rules of parliamentary practices comprised in the current edition of "Robert's Rules of Order", as amended, shall govern the sessions of the City Council in all cases in which they are applicable and where they are not inconsistent with the standing rules of the City Council or the laws of the State. Iowa City Code 1-5-6(A). Per City Charter Section 2.09, the Council may determine its own rules and shall maintain records of its proceedings consistent with state law.

Except as specifically required by these rules the Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms.

Rule 3. Matters Not Covered. Any matter or order or procedure not covered by these rules shall be referred to the Presiding Officer (typically the Mayor or Mayor Pro Tem), who shall decide the matter with the assistance and advice of the City Attorney or his or her representative in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the Presiding Officer may be reversed only by a majority vote of the Council.

Rule 4. Interpretation. These rules are intended to supplement and shall be interpreted to conform with the statutes of the State of Iowa and the ordinances of the City of Iowa City.

Part II. Time and Place of Meeting

Rule 5. Regular Meetings. Council meetings shall be held on the first and third Tuesday of each month excluding holidays, in Emma J Harvat Hall, City Hall of Iowa City, Iowa starting at 6:00 o'clock p.m., Central Standard Time, or Central Daylight Time, whichever is in effect in the City of Iowa City at the time of said meeting. Meeting dates, times, and locations may be changed, or the meeting waived, by the Mayor. Decisions regarding scheduling of meetings may be reversed by a majority vote of the Council.

Rule 6. Special Meetings. Special meetings may be called by the Mayor or by any three Council Members. A call for a special meeting shall be communicated to the City Clerk in writing unless the announcement of the special meeting is made at a regular meeting. If the call for the meeting was not made at a regular meeting, the following shall apply:

- Notice of the calling of a special Council meeting shall be in writing and shall include the time and place of said meeting, the business to be conducted at said meeting, and the person or persons calling said meeting.
- Notice shall be served on each Council Member at least twenty-four (24) hours prior to the time of said meeting by delivering a copy thereof to the Council Member electronically at the email address as shown by the records of the City Clerk.
- Provisions for the call, notice, or time of service may be waived if the entire Council shall consent in writing thereto.

- Provisions of the method of service may be waived by the individual Council Member affected thereby.

Rule 7. Quorum. A majority of all members elected to the City Council shall constitute a quorum for transaction of business.

Part III. Agenda

Rule 8. Preparation of Agenda. Prior to each regular or special Council meeting the City Clerk shall publish an Agenda which contains all items the Council anticipates acting upon at the meeting.

Rule 9. Consent Agenda. In preparing an Agenda the City Clerk shall separately designate items as "Consent Agenda" which may be acted upon by the Council under these Rules. All items on the "Consent Agenda" shall consist of routine, non-controversial items which in the City Manager's determination can be appropriately considered in bulk at the Council meeting. If the Mayor or any Council member specifically requests that any of the items be considered separately, these items will be removed and considered later on the Agenda.

Rule 10. Agenda Deadline. The Mayor, at least three members of Council, the City Manager, the City Attorney, or the City Clerk may have an item included upon the Agenda by requesting the City Clerk to include the item.

Rule 11. Sponsor Required. The City Clerk shall not place upon the Agenda any matter for reconsideration unless sponsored by a Council member who voted on the originally prevailing side.

Part IV. Conduct of Meetings

Rule 12. Call to Order. 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 under Rule 14.

Rule 13. Roll Call. Before proceeding with the business of the Council, the City Clerk shall call the roll call of members present and enter those named in the minutes.

Rule 14. 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 most senior Council member present shall preside. In the event two or more members equally possess the greatest seniority then the eldest person among them shall preside.

Rule 15. Control of Discussion. The Presiding Officer shall control discussion of the Council on each Agenda item to assure full participation by the Council in accordance with these rules.

Rule 16. Order of Consideration of Agenda. Except as otherwise provided in these rules, each Agenda item shall be considered in the numerical order assigned by the City Clerk. Each Agenda item shall be separately announced by the Presiding Officer, for purposes of discussion and consideration. The entire Consent Agenda shall be considered a single item. Except as otherwise ordered by the Mayor or a majority of City Council, the order of the Agenda shall be as follows:

1. Roll Call
2. Mayor's Proclamations
3. Consent Agenda
4. Community Comment (for a length determined by the Presiding Officer)

5. Planning and Zoning Matters: hearings, recommendations, ordinances and resolutions, with the exception of setting public hearings which shall be on the Consent Calendar
6. Other Public Hearings
7. Other Ordinances
8. Other Resolutions
9. City Council Information
10. City Manager, Deputy City Manager, City Attorney, and City Clerk Report
11. Adjournment

Rule 17. Presiding Officer's Right to Speak Last. The Presiding Officer has the right to close debate and speak last on any item.

Part V. Public Participation

Rule 18. Public's Right to Address Council. Persons other than Council Members shall be permitted to address the Council only upon specific Agenda items, and only at formal Council meetings. No public comment is allowed at Council Work Session meetings unless the person(s) is directly invited by the Mayor or a majority of Council.

Rule 19. Manner of Addressing Council. At each formal Council meeting, a person desiring to address the Council shall step to the podium, state their name, the city or town where they reside, and any group they represent, and speak clearly into the microphone. They shall also legibly write their full name and city or town of residence on the speaker log. At all public hearings, each speaker who is a party in interest by virtue of their address shall be required to provide their address and group affiliation (if any). If electronic participation in the meeting is permitted by Council, the person shall use the prescribed method for comments. Speakers shall follow these rules and the direction of the Presiding Officer at all times.

Rule 20. Time Limit on Public Comments. Persons wishing to address Council shall be limited to no more than three minutes speaking time per Agenda item on which the public is allowed to speak, unless additional or less time is determined by the Presiding Officer, based on the number of persons wishing to speak and/or the length of the Council meeting. Total public input on any agenda item can be further limited to a fixed period by the Presiding Officer. A majority vote of the Council may alter the time limitations of this rule. For planning and zoning matters, applicants and/or their representatives shall not be subject to this time limitation but may instead have reasonable time limits imposed by the Presiding Officer.

Rule 21. Public Comments to Be Germane. Public comments must relate directly to the subject under consideration. The Presiding Officer shall rule on the germaneness of public comments. Persons making personal, repetitive, slanderous, or disruptive remarks or engaging in any action that otherwise impedes the orderly conduct of a Council meeting shall not be recognized by the Presiding Officer during the remainder of the meeting. To ensure the meeting is conducted orderly and free from interference or interruption, the Presiding Officer is vested with exclusive discretion to review and determine whether remarks or actions meet any prohibited terms of this rule. Without limitation, arguing with the Presiding Officer about any determination will be considered per se disruptive. Persons who make or attempt to make non-germane remarks during any portion of the meeting shall not be recognized by the Presiding Officer during the remainder of the meeting.

Rule 22. Rules of Conduct. The following rules are adopted for the conduct of those attending

Council meetings.

- Only persons recognized by the Presiding Officer will be allowed to speak. The Council wishes to hear from members of the public as part of respectful, civil debate. In order to ensure that members of the public do not feel bullied or intimidated, there shall be no extensive demonstrations, cheering, or booing during or at the conclusion of a speaker's comments. These rules are intended to promote an orderly and dignified system of conducting a public meeting, to give every interested person an opportunity to be heard without being chilled from doing so, and to ensure that no individual is deprived of their right to petition their government. Applause is permitted following proclamations and special recognitions.
- All remarks must be addressed to the Council as a body, and not toward any City employee or Council member individually. No personal attacks, impertinent or slanderous remarks, or unreasonably loud or abusive language which disrupts or is intended to disrupt the good order of a Council meeting should be made.
- Public comment is intended solely so that members of the public may be heard by Council. No questions shall be asked of, or discussion had with, individual Council Members, the Presiding Officer, Council as a whole, or City employees present during public comment portions of the meeting. In order to comply with open meetings laws and proper meeting procedure, Council cannot answer questions posed to them by the public or engage in discussion or debate until the appropriate time for Council discussion. However, Council may ask staff to follow up with the speaker.
- Persons may address each agenda item only once.
- Organized groups that wish to make a presentation longer than the public comment period time allows may consolidate the speaking time of persons who are present and willing to give up their speaking time on the subject agenda item. Said consolidation may result in no more than six minutes of speaking time for any single speaker.
- No person shall be permitted to enter the demarcated area in front of or behind Council members without the permission of the Presiding Officer.

Rule 23. Failure to Follow Council Rules. To enable the Council to transact the business of the City and conduct efficient meetings, persons other than Council members who violate these rules and/or fail to follow the direction of the Presiding Officer on more than one occasion during a Council meeting shall face sanctions, including the following:

- A verbal warning; or
- Not being recognized to speak at the remainder of the same Council meeting; or
- Being directed to leave the Council meeting; or
- Being suspended from attending one or more subsequent Council meetings; or
- Being charged with a municipal infraction for violating Council rules; or
- Being charged with one or more criminal offenses as applicable.

The Presiding Officer is empowered to make the determination of when violations have occurred, and to impose the appropriate sanction. While the sanctions will normally be progressive in nature, steps may be skipped if the violation is sufficiently egregious. Failure to adhere to sanctions

imposed are grounds for additional sanctions.

Part VI. Council Action

Rule 24. Motion Required. All action requiring a vote shall be moved by a member of the Council.

Rule 25. Motion to Reconsider. A motion to reconsider must be made by a Council member who was on the prevailing side in the original action.

Rule 26. Call for Vote. At the conclusion of debate the Presiding Officer shall call for a vote, provided however, a majority of the Council may require a vote at any time.

Rule 27. Action on Consent Agenda. Except as herein provided the "Consent Agenda" shall be considered in bulk and voted upon in a single motion. Any items upon which any Council Member wishes to speak shall be considered separately and not as a portion of any motion calling for action upon the remainder of the "Consent Agenda".

Rule 28. Consideration Out of Order. With the consent of a majority of Council, any Agenda item may be considered out of order at the request of a Council member.

Part VII. Miscellaneous

Rule 29. Motions. At any appropriate place on the Agenda any member of the Council may make a motion for the Council to act upon any matter if the motion is germane to the matter under consideration.

Rule 30. Waiver of Ordinance Readings.

A Council member may move the final passage of an ordinance, with waiver and suspension of the requirement that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed, by reciting the following motion:

"I move that the rule requiring that ordinances must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the second consideration and vote be waived, and that the ordinance be voted on for final passage at this time."

Rule 31. Suspension of Rules. These rules or any part hereof, may be suspended for a specific purpose by a two-thirds majority of the Council.

Rule 32. Public Hearings. Any other rule to the contrary notwithstanding, unless required by statute or necessary to conform to proceedings required for a special purpose, a public hearing shall commence when declared open by the Presiding Officer and shall close when closed by the Presiding Officer or by other formal action of the Council.

Rule 33. Informal Requests. A member of the Council, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations or the opinions of the City Manager, City Attorney, City Clerk or any City employee.

Rule 34. Electronic Participation. Unless it has been determined that the Council meeting must be entirely electronic, Council members are encouraged to be physically present for all Council meetings. However, it is the policy of this Council to secure electronic participation by absent

members whenever it is physically feasible where such participation is necessary or desirable because of statutory voting requirements or the importance of the subject matter to the public. Notwithstanding this policy, unless the meeting is entirely electronic, in accordance with Iowa Code section 21.8 as amended, a majority of Council members must be physically present for all Council meetings. Council members intending to participate electronically shall alert the City Clerk to their intent as soon as practical.

Although it is not required, Council may permit members of the public to participate by electronic means. All pertinent rules herein apply to those participating remotely.

Rule 35. Abstentions. Pursuant to Section 380.4 of the State Code, in the absence of a conflict of interest, a Council member who abstains is included for purposes of determining whether a measure has passed. Legal significance or effect must be given to a Council Member's abstention when the abstention is not required by a conflict of interest in order to prevent frustration or abuse of the legislative process. So, in order to assure that a Council Member must vote "no" in order to defeat a measure and may not do so by inaction, an abstention for reasons other than a conflict of interest shall be deemed a vote with the majority or, in cases of a tie vote, a vote in the affirmative. For purposes of this rule, the statement of a Council Member that the Council Member declines to vote by reason of a conflict of interest is conclusive.

Rule 36. Appointments to City Boards and Commissions. The following persons shall not be eligible for appointment to, or continued service on, City Boards and Commissions:

1. A Council Member's spouse, domestic partner or partner by cohabitation, children, step-children, children for whom the Council Member assumes parental responsibility, mother, father, son-in-law, daughter-in-law, mother-in-law, father-in-law, step-parent, brother, sister, step-sibling, half-sibling, brother-in-law, sister-in-law, grandparent and grandchildren, aunt, uncle, niece, nephew, first cousin, foster parent, foster child, persons who are parents of the same child, and persons with whom the employee is in an intimate relationship.
2. A current member of a City Board or Commission, unless dual or joint memberships are provided for in the resolution, ordinance, or statute which creates the Board or Commission to which appointment is being made.
3. A current member of a comparable County Board or Commission, unless dual or joint memberships are provided for in the resolution, ordinance, or statute which creates the Board or Commission to which appointment is being made.

In addition, each application for reappointment to a City Board or Commission will be considered without regard to incumbency. Except in unusual circumstances, an individual should be limited to one reappointment to a full term in order to increase the opportunities for new applicants to serve.

Furthermore, because it is in the best interest of the Council and all residents that Council members remain unbiased in their decision-making processes and avoid situations which might foster bias in favor of a human service agency seeking Council funding on whose board the Council member serves, no Council member shall serve as a member of the governing board of any human service agency which is funded by, or anticipates requesting funding from, the City of Iowa City.