THE 2010 CITY COUNCIL RULES OF PROCEDURE

RULE 1. MEETINGS

a. Regular Meetings. At the last regular meeting of each year, the city council shall pass a resolution establishing meeting dates for the following year. These dates shall generally be on the 2nd and 4th Mondays of each month at 7:00 p.m. If these dates fall on a legal holiday or are in conflict with some other event, the meetings shall be held at the council's discretion.

b. Special Meetings. The city council may, by motion made at a prior council meeting, agree to hold a special council meeting on a day other than the 2nd or 4th Monday of the month for consideration of or action upon particular business. The purpose of such special meeting and the nature of the business to be considered or acted upon shall be stated in the motion for special meeting.

Upon the call of order of a special meeting by the mayor, the clerk shall call the roll, and if a quorum is present, the council may officially conduct a meeting. The reading of minutes shall be considered at a subsequent regular meeting and there acted upon. The council may dispense with the consideration of claims and limit the receiving of communications, petitions, or remonstrances to those pertinent to the subject of the meeting or purpose adjournment. Upon approving the agenda for the meeting, the council shall proceed in accordance therewith and the order of business established therein.

Notice of the time and place of special meetings shall be given to the news media in accordance with the requirements of Chapter 21 of the Iowa Code.

c. Called Special Meetings. The mayor, with the concurrence of a majority of the council, or upon the request of a majority of the members of the council, shall call a special meeting of the members of the council and set such reasonable time for such meeting as the circumstances warrant. All calls shall be made by the clerk by giving personal notice of the time of such meeting, or by leaving written notice of the time of such meeting, or by leaving written notice of the time of such meeting at the residence or business office of all members. The clerk shall record such notice of service in the minute book and each member shall subscribe his/her signature to an acknowledgement of such notice if received. Inability of the clerk to give notice to any member as herein required shall not invalidate the call or any action taken at such called meeting.

When a special meeting of the city council shall be called, the purpose or object of the meeting shall be named in the call, and no other business except that specified therein shall be transacted at such special meeting except by unanimous consent. Notice of the time and place of called meetings shall be given to the news media in accordance with the requirements of Chapter 21 of the Iowa Code. When an emergency prevents the giving of such notice, the nature of the emergency shall be stated in the minutes of that meeting.

d. First Regular. At the first regular council meeting in January of each year, the council shall (1) designate an official newspaper, and (2) review the Rules of Procedure of the City Council and make necessary changes if such changes are desired.

e. All Meetings to be Open. All meetings shall be held in the Council Chambers of the Council Bluffs City Hall building, unless there is a published or posted notice designating another location.

Informal meetings of the council where no official action will be taken are called council study sessions. They shall be held at 3:45 p.m. on the day of each regular meeting as established by council resolution.

All meetings shall be open to the public, unless the council by a two-thirds affirmative vote of council members present determines that closed session consideration of some particular topic would be in the public interest. Only those topics identified in Chapter 21 of the Iowa Code, Official Meetings Open to Public, Section 21.5, shall be considered in closed session. The council shall go into closed session only upon motion identifying the general nature of the topic to be considered in closed session. The clerk shall tape record all closed session meetings of the city council and shall preserve such recordings for at least one year, together with the minutes thereof. Tape recordings of closed sessions dealing with pending litigation shall be preserved by the clerk until such litigation has been resolved.

RULE 2. PRESIDING OFFICER

The mayor, or in the absence of the mayor, the mayor pro tem, shall preside. In the absence of both, the council shall appoint a temporary chairperson who shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the council, shall state every question coming before the council, shall announce the decision of the council on all subjects, and shall decide all questions of order, subject, however, to an appeal of the council, in which event a majority vote of the council shall govern and conclusively determine such questions of order, the presiding officer other than a mayor may vote on all questions.

RULE 3. ORDER OF BUSINESS

At the hour appointed for meeting, the members shall be called to order by the mayor, or in the absence of the mayor, the mayor pro tem, or in the absence of both, by the clerk. The clerk shall call the roll, note the absentees and announce whether a quorum is present. Upon the appearance of the quorum, the council shall proceed to business which shall be conducted in the order following below.

1. Call to Order
2. Roll Call
3. Approval of Minutes and Agenda
4. Consent Agenda
5. Public Hearings
6. Ordinances for Council Consideration

7. Resolutions for Council Consideration
8. Mayor's Appointments
9. Receive and File Items
10. Applications for Permits and Cancellations
11. Citizen Letters and Requests to be Heard
12. Other Presentations:
    a. by council members – new and old business
    b. by the public – new and old business
13. Adjournment

RULE 4. AGENDA FOR REGULAR MEETING

The clerk shall prepare a written agenda for each regular meeting in the order established in Rule 4, Order of Business.

Applications for permits and licenses, or the renewal thereof, shall be filed with the clerk ten (10) days in advance of the council meeting at which said applications or renewals are to be acted upon.

All other matters to be included in the agenda for submission to the council shall be filed with the clerk not later than 5:00 p.m. on the Friday ten (10) days prior to the council meeting at which consideration is desired. In unusual circumstances, an item may be accepted after the deadline upon the approval of the mayor.

Except for minor matters, no item of business shall be considered for action by the council which does not appear on the agenda for the meeting, except for ministerial matters, or matters of urgent business which requires immediate action and is so determined by a majority of the council may be considered by the council whether or not there is a full membership present. The council will hear all reasonable citizen petitions, requests, and statements; however, such items which do not specifically appear on the agenda may be deferred to a future meeting for careful consideration and study if the council action, other than filing, is required or requested.

The mayor and each council member shall be provided with a copy of the agenda, minutes of the previous meeting, and any other reports and information pertinent to the agenda at least 48 hours prior to each regular meeting.

No matter may be submitted for council action by an administrative official, department head, or employee unless it has first been presented to the mayor for inclusion on the agenda.

RULE 5. MINUTES

a. The city clerk shall keep a record of all council meetings, <u>including study sessions</u>.

b. Unless a reading of the minutes of a council meeting is requested by a member of the council, such minutes may be approved without reading if each member has previously been provided a copy.

c. The council may, by motion carried by a majority vote, amend the minutes. Such amending motion shall become a part of the minutes of the subsequent meeting.

RULE 6. RULES OF ORDER

a. Robert's Rules of Order, newly revised, 2000, shall be accepted as an authority on parliamentary practice on matters not specifically covered and, in case of a conflict, these rules shall govern.

b. Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

c. A member, once recognized, shall not be interrupted when speaking, unless it is to call him/her to order or to vote on a motion to close a debate, or as herein otherwise provided. If a member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined and, if in order, he/she shall be permitted to proceed.

d. A motion to reconsider any action taken by the council must be made at the meeting at which such action was taken or at the next regular meeting of the council, and must be made by a member of the council who voted with the prevailing side or who was not present at the time of the vote, provided that if such motion to reconsider is passed, then the parties entitled to notice on the original action shall be notified, and the reconsideration of the action shall be taken at the original meeting or regular meeting following passage of the motion to reconsider.

e. A council member may request through the presiding officer the privilege of having an abstract of his/her statement on any subject under consideration by the council, or the reason for his/her dissent from or support of any action of the council, entered in the minutes. Such a request may be made at the time of said action or consideration or at the time of the adoption of said minutes. Unless the council, by motion, objects such statements shall be entered in the minutes.

f. Cell Phones. Any member of the general public attending a city council meeting shall turn off or switch to silent mode all cell phones and/or other electronic communication devices prior to the start of any council meeting. No member of the city council, the mayor, or city staff will utilize such devices while attending a city council meeting. An exception to this general rule is that city public safety personnel may utilize such devices to the extent necessary to perform their duties.

RULE 7. VOTING

When a roll call vote is taken, a council member must use one of three options when voting. Those options are:

1. a vote in favor of what is being proposed;
2. a vote against what is being proposed; or
3. abstention.

If a council member determines that he or she must abstain on an issue, that council member shall notify the rest of the council of said determination, either in writing or in an open council meeting. Said notice shall state in a general nature the reason for the need to abstain. So as to avoid any appearance of impropriety, once a council member has determined that he or she must abstain on an issue, said council member shall refrain from any further public comment on the issue at the council meeting.

RULE 8. PUBLIC PARTICIPATION – MAINTAINING DECORUM AND ORDER

Any person desiring to address the Council shall first secure the permission of the presiding officer.

Each person addressing the Council shall give his/her name and address in an audible tone for the record and, unless further time is granted by the presiding officer, shall limit his/her address to five (5) minutes, except at a public hearing when the limit shall be ten (10) minutes. All remarks should be addressed to the council as a body, and not to any particular council member, any staff member, or any other member of the public. No person other than the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a council member or of any member of the administrative staff except through the presiding officer.

The presiding officer may, with the acquiescence of a majority of the council, require any member of the public to yield the floor, to discontinue his/her remarks, or to cease given activity, if in the judgment of the council that person's actions or remarks may unduly disrupt the decorum of the proceedings, or create the risk of public disturbance. If any such person refuses to obey the presiding officer's directive, the presiding officer may order the person to leave the council meeting.

At study sessions, staff and members or the public may only take part in the discussion at the request of the mayor or council, and their input shall be limited to direct responses to questions of a council member or mayor.

RULE 9. ORDINANES, RESOLUTIONS, MOTIONS AND REPORTS

a. Ordinances, resolutions and other matters or subjects requiring action by the council shall be introduced by the city clerk, a member of the council, mayor, or city attorney.

b. Every ordinance and resolution shall be presented in writing. Upon the vote on ordinances, resolutions and motions, the ayes and nays shall be recorded. Upon the request of any member of the council, the vote shall be by roll call of all members of the council as provided under Rule 2 "Presiding Officer". A majority vote of the total number of members of the council shall be required for the passage of all ordinances, motions, resolutions, cancellations of permits and licenses.

c. Readings and Amendment of Ordinances. All proposed ordinances shall have a separate consideration on three different days unless there is a motion to dispense with the second and/or third consideration and a three-fourths majority of the council shall so approve. Actual reading of the ordinance shall not be required if written copies are available or unless two or more members request it. An ordinance may be amended after first or second consideration and before voting thereon. After voting for placing the ordinance on third and final consideration or for dispensing with the second and/or third consideration, the ordinance may not be amended, but shall be voted on for final passage unless tabled, postponed, or referred to a committee. Any proposed ordinance not voted on for final passage must be returned to a second consideration status if it is to be amended. However, if it is determined that an amendment to an ordinance will lessen its impact on the citizen, an ordinance may be so amended and passed into law.

d. All ordinances and resolutions shall be filed with the city clerk and made a part of the minutes. Reports, petitions, and correspondence shall be filed with the city clerk and made a part of the minutes by reference.

RULE 10. CONDUCT OF CITY EMPLOYEES

a. The mayor may take part in the discussions of the city council and may recommend to the council such measures as he/she may deem necessary for the welfare of the people and efficient administration of the affairs of the city. He/She shall have all the rights, powers, and duties prescribed by Iowa statutes in regard thereto. It is recognized that the city council is the policy-making body for the city, and the mayor shall confine his/her discussions at council meetings to statements of fact, recommendations based on his/her knowledge and experience, and explanations of the reasons for the same, and any matters pertaining to administration.

b. The city attorney may not take part in the discussions of the city council except to answer questions directed to him/her, comment on matters involving legal powers or procedures of the city, and to present factual material to the council.

c. The above regulations of city employees shall not be construed to limit the appearance before the city council of any city employee when such appearance is made as a taxpayer or member of the public, for or against some particular issue under discussion by the council when such employee has an interest in the outcome thereof. If an employee's comments are directed to conditions of employment or administrative policies and procedures, the council may direct the employee to pursue the matter through normal administrative channels.

RULE 11. WAIVER

By four-fifths consent of all council members, these rules may be waived. Amendments to Rules of Procedure may be made by four-fifths of the members of the council.

RULE 12. ADJOURNMENT

A motion to adjourn shall always be in order, shall be considered only after a second, and shall be decided by majority vote.