



City of Muscatine

ITEM NUMBER 2022-0367

IN-DEPTH ITEM - CITY COUNCIL

DATE: 9/8/2022

STAFF

SUBJECT FOR DISCUSSION

Proposed Revisions to the Rules of City Council for the City of Muscatine

EXECUTIVE SUMMARY

Iowa Code Chapter 372.13(5) provides that the City Council shall determine its own rules and maintain records of its proceedings. In addition, the City Charter (Article IV, Sec. 15) and the City Code (Section 1-9-5) state that the City Council shall determine the rules of its own proceedings. The City's current Rules of City Council were last updated in August 2016. Staff proposes certain changes to reflect current City Council practices and current Iowa law. In addition, staff is proposing other changes to support efficient and orderly City Council meetings. A summary of the substantive changes is included in the discussion section below.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

Does the City Council have questions or feedback on the proposed changes to the Rules of City Council?

Does the City Council support moving forward with a request to approve the proposed changes to the Rules of City Council?

BACKGROUND/DISCUSSION

Iowa Code Chapter 372.13(5) provides that the City Council shall determine its own rules of procedure to govern public meetings held by the City Council of the City of Muscatine. The City's current Rules of City Council were last updated in August 2016. Certain changes are needed to reflect current City Council practices and current Iowa law. In addition, staff is proposing other changes that may improve the efficiency and effectiveness of City Council meetings. Substantive changes are as follows:

Section 1 - Authority

- This section was added to articulate the authority under which the City Council adopts its own rules.

Section 2 - Sessions of City Council

- The start time of regular sessions of City Council was changed from 7:00 p.m. to 6:00 p.m (2.1).
- The start time of in-depth meetings of City Council was changed from 7:00 p.m. to 6:00 p.m (2.3).
- Language was added to allow Councilmembers to participate in meetings via remote technology upon approval by the Mayor (2.5).

Section 3 - Agenda

- Several items were added to the order of business (3.2.A):
 - Invocation
 - Approval of Agenda
 - Councilmember follow-up to Citizen Communications
 - Review and Potential Vote to Approve Minutes (reworded from "Approval of Minutes")
 - Purchase Orders
 - Boards & Commissions (replaced Planning & Zoning Commission)
 - Mayor and Council Reports (in place of Council communications and Other Business)
- Acceptance of agenda items for Council meetings was changed from 5:00 pm on Monday to 12:00 pm on the Friday immediately preceding the next regular Council meeting (3.2.B).
- An order of business was added for special meetings of Council (3.2.C).

Section 3.3 - Pertaining to the Order of Business

- Invocation was added (as allowed by the City's Invocation Policy (Resolution #2022-0144) (3.3.B)
- A new section, "Approval of Agenda", was added. This section allows the Mayor to review the agenda with the City Administrator and the City Council in a public forum and to permit items to be removed from the agenda by the City Administrator or to be pulled from the consent agenda for discussion by City Council (3.3.C).
- "Minutes-Approval" was changed to "review and potential vote to approve minutes". (3.3.D)
- A new section, "Councilmember Follow-up to Citizen Communications" was added to allow the Mayor and/or City Councilmembers to address any comments brought before the Council during citizen communications (3.3.F).
- Clarifying language was added to 3.3.G regarding what items are generally included on the consent agenda.
- Language was added to 3.3.I. to indicate that "Petitions & Communications" do not have to be read at the Council meeting as previously required.
- Clarifying language was added to 3.3.M regarding what type of legislative items are included in the agenda under "From the City Administrator".
- Specificity was added regarding how items may be placed on a future agenda. Any Councilmember has the opportunity to present suggestions or recommendations. At least three Councilmembers need to support moving an item forward for discussion.

Section 4 - Motions

- Significant changes were made to this section to indicate the various categories of motions (main, subsidiary, incidental, and restorative) that are typically made by City Council or for which the City Administrator receives inquiries from City Council on a particular motion's role in conducting business. All suggested changes are in alignment with the Roberts Rules of Order, but are not inclusive of all rules.

Section 5 - City Council Actions

- Subsections were added to Section 5 to describe the legislative actions taken by the City Council, including resolutions, ordinances, and simple motions (requests). Clarifications were also added regarding the number of Councilmembers required to vote in the affirmative for passage of certain legislation.

Section 6 - Rights and Duties of Councilmembers

- Language was added to indicate that the Councilmember who made a particular motion has the first right to speak on the motion (6.3).
- The section was amended to indicate the process by which Councilmembers declare a conflict of interest, the impact on their participation, and that the total number of votes is reduced accordingly (6.9).

Section 7 - Rights of Participating Audience

- Language was added to indicate the following:
 - When the public is invited to comment during a Council meeting (7.1)
 - The Mayor may extend or reduce the three minute time limit for public speaking (7.3)
 - No speaker may yield time to another speaker or credit time not used by another speaker (7.6).
 - The Mayor may require speakers to sign in (7.7)
 - The rules regarding the use of AV equipment by the public (7.8)

Section 8 - Meeting Conduct

- Language was added to indicate the following:
- Describe prohibited disruptive behavior (8.1.A).
- The conditions under which a person may be removed from City Hall
- The penalties associated with disrupting a Council meeting.
- Cell phones must be off in Council Chambers to avoid disruption (8.3).

Section 9 - In-Depth Meeting Procedure

- Language was added to clarify that public comment is not permitted at In-Depth Council meetings unless approved by the presiding officer.

Section 10 - Open Meetings Law

- Language was updated to reflect current Iowa Open Meetings Law (10.5).
- Language was added regarding meetings conducted using remote technologies (10.6)

ATTACHMENTS

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1. Proposed Rules of Council - September 2022
 2. Current Rules of Council - August 2016

3. Proposed Changes to Rules of Council ppt 09.08.22 FINAL

CITY OF MUSCATINE
RULES OF CITY COUNCIL
FOR THE CITY OF MUSCATINE, IOWA
(adopted via Resolution No. 22-XXX)

DRAFT 09/08/22

1 AUTHORITY

- 1.1 Iowa Code Chapter 372.13(5) provides that the City Council shall determine its own rules of procedure. The following set of rules shall be in effect upon adoption by the Council until such time as they are amended, or new rules adopted. The Iowa Open Meetings Law, Chapter 21 of the Code of Iowa, is the governing law of public meetings held by the City of Muscatine.

Commented [1]: Added this section to establish authority to adopt rules

2 SESSIONS OF CITY COUNCIL

- 2.1 The City Council shall hold its regular sessions on the first and third Thursday of each month at 6:00 p.m. in the City Hall, unless the time set shall be a holiday, then such meeting shall be held at the same time and place on the prior secular day which is not a holiday or may be canceled as determined by a majority of Councilmembers.
- 2.2 Special meetings may be called in conformity with 1-9-5 of the City Code.
- 2.3 The City Council shall hold its In-Depth Council meetings (study sessions) on the second Thursday of each month at 6:00 p.m. in the City Hall, unless the time set shall be a holiday, then such meeting shall be held at the same time and place on the prior secular day which is not a holiday or may be canceled as determined by a majority of Councilmembers. No formal action on any item may be taken at an in-depth meeting, however matters discussed during an In-Depth meeting may be placed on an agenda for a later City Council meeting.
- 2.4 Except when absent from the City or temporarily unable to perform his or her duties, the Mayor shall preside over all meetings of the Council and preserve order thereat. The Mayor Pro Tem shall preside during the absence of the Mayor or at the call of the Mayor. In the event of the absence of both the Mayor and Mayor Pro Tem, the Council shall be called to order by the Clerk, and the Council shall immediately select one of its members to serve as Acting Mayor Pro Tem, he or she shall have the same rights and privileges as other members of the Council.
- 2.5 Upon approval of the Mayor, City Council may participate in discussion at Regular, Special, and In-Depth Council meetings, including closed sessions, using remote technologies. However, a quorum of City Council is required to meet in person unless it is impossible or impracticable to do so. In that case, City Council must comply with conditions for electronic meetings as outlined in Iowa Code 21.8. Councilmembers will limit their participation by electronic means to the extent practicable. The public may participate in any Regular or Special Council meeting as set out in these rules using any remote technologies that have been previously arranged for that meeting.

Commented [2]: Changed from 7 pm

Commented [3]: Changed from 7 pm

Commented [4]: Added electronic participation by City Councilmembers

3 AGENDA

3.1 On or before the Tuesday before each Council meeting, the City Administrator shall provide the Agenda for such Council meeting to the Mayor and each Councilmember. If the Monday prior to a Council meeting is a holiday, then such agenda and attachments shall be provided on the Wednesday prior to the meeting.

3.2 ORDER OF BUSINESS

A) At the regular meetings of the City Council, the Order of Business shall be as follows:

1. Opening
2. Invocation
3. Roll Call
4. Pledge of Allegiance
5. Approval of Agenda
6. Communications – Citizens
7. Councilmember Follow-up to Citizen Communications
8. Consent Agenda
9. Review and Potential Vote to Approve Minutes*
10. Public Hearings
11. Petitions and Communications**
12. Purchase Orders
13. From the Mayor***
14. Boards & Commissions
15. From the City Administrator
16. Communications Receive and File****
17. Approval of Bills*****
18. Mayor and Council Reports
19. Adjournment

Commented [5]: Added:

Invocation
Approval of Agenda
Councilmember follow-up to Citizen Communication
Reworded Approval of Minutes
Purchase Orders
Boards & Commissions (replaced P&Z)
Combined Communication- Councilmembers and other business into "Mayor and Council Reports"

B) The Council agenda for all items except petitions and communications shall be closed after 12:00 p.m. on the Friday immediately preceding each regular Council meeting. Items received after that time, unless of obvious urgency, shall be held over until the following Council meeting.

Commented [6]: Changed deadline to match current practice

C) At Special meetings of the City Council, the order of business shall be as follows:

1. Opening
2. Roll Call
3. Pledge of Allegiance
4. Consideration of Items Identified in the Call of Special meeting
5. Adjournment

Commented [7]: Added order of business at special meetings

3.3 DETAILS PERTAINING TO ORDER OF BUSINESS

- A) Roll Call shall be called at all Regular, In-Depth, and Special meetings of the Council to determine if a quorum is present. Four members of the Council shall constitute a quorum and the Clerk shall announce whether a quorum is present.
- B) Under “Invocation” an invocation may be given in alignment with the City’s Invocation Policy (Resolution #2022-0144).
- C) Under “Approval of Agenda” the Mayor will review the agenda with the City Administrator and the City Council to determine if any items need to be removed from the agenda or pulled from the consent agenda for discussion by the Council at a later time in the same meeting. Items pulled from the consent agenda will be moved to the section titled “From the City Administrator” after the last published item.
- D) Under “Review and Potential Vote to Approve Minutes” the minutes of the previous Council meeting shall be approved upon motion. The Date of the City Council meeting for such minutes shall be listed on the agenda. The City Clerk, prior to the meeting, shall have sent to each Councilmember a copy of the minutes and the reading of such minutes shall not be required unless the reading of certain articles thereof shall be requested by the Mayor or any Councilmember.
- E) Under “Communications – Citizens” includes such communications, either verbal or written, as anyone in the audience may wish to present and which have not been included under any other item on the Council agenda. Citizens shall be allowed to address the Council in accordance with the provision of “Rights of Participating Audience”.
- F) Under “Councilmember Follow-Up to Citizen Communications”, the Mayor and/or City Councilmembers may address any issues brought before the Council during Citizen Communications.
- G) Under “Consent Agenda”, the City Council will consider items that are part of the Consent Agenda minus any items moved to discussion under “Approval of Agenda”. Items generally included in the consent agenda are approval of minutes, petitions and communications, items from the Mayor, receive and file communications, and approval of bills.
- H) Under “Public Hearings” the Mayor, or a City staff person requested by the Mayor, reports the purpose of the hearing after which time the public shall be given the opportunity to comment on the proposed matter in accordance with the rules outlined under “Rights of Participating Audience”.
- I) Under “Petitions and Communications” any petitions or communications from citizens or organizations are considered by the Council but may not be read, including any applications for licenses or permits. Communications from anonymous persons are not to be presented.
- ** “Petitions and Communications” is part of the Consent Agenda.*
- J) Under “Purchase Orders”, any purchase orders over \$5,000 and under \$25,000 may be considered by the City Council.

Commented [8]: New

Commented [9]: New – allows City admin to remove items and City Council to pull items from consent

Commented [WC10]: New titles based on City Attorney input

Commented [11]: New. Allows Council a time to address any citizen comments

Commented [12]: Updated to include what is generally on consent

Commented [13]: Eliminated that communications must be read

"Purchase Orders" is part of the Consent Agenda.

- K) Under "From the Mayor" any messages, recognitions, recommendations or suggestions which the Mayor deems appropriate from time to time are to be presented.

*** *"From the Mayor" is part of the Consent Agenda.*

- L) Under "Boards and Commissions" recommendations from City Boards and Commissions will be considered by the City Council. All matters under this item are forwarded from the Board or Commission with specific recommendations to the City Council.

- M) Under "From the City Administrator" includes ordinances, resolutions, requests, or other items requiring action by the City Council as recommended by the City Administrator, other City departments, and other City boards and advisory commissions. These items, when appropriate, will include specific recommendations from the City Administrator.

- N) Under "Communications – Receive and File" includes minutes from the various City boards and advisory commissions, special monthly reports, financial reports of the City, and other communications which require no action by the City Council. All items under this section can be received and filed by a single motion of the Council.

**** *"Communications – Receive and File" is part of the Consent Agenda.*

- O) Under "Approval of Bills" the City Council shall consider the payment of all bills as submitted with the Council agenda and as prepared by the Finance Director. The Council shall authorize the payment by motion and authorize the Mayor and City Clerk to issue warrants for the amount requested. Members of the Council may question the payment of any bill and shall be provided with information concerning the bills from the City Administrator.

***** *"Approval of Bills" is part of the Consent Agenda.*

Commented [WC14]: Added section to reflect approving Purchase Orders under \$25,000 as part of the consent agenda.

Commented [WC15]: Changed section from "Planning and Zoning" to "Boards and Commissions" to allow all Boards to communicate items to City Council

Commented [16]: Added legislative actions

- P) Under “Mayor and Council Reports” the Mayor, Councilmembers, City Administrator, or City Attorney may present reports, communications, or items that require discussion by the City Council provided that the item is on the published agenda. Other items may be discussed which are not on the agenda, however those items may be only of a general nature in the form of information or seeking input from the Council regarding items for future Council agendas. Any member of Council shall have the opportunity to present suggestions or recommendations for discussion by the City Council. At least three Councilmembers need to support moving an item forward for further discussion.

Commented [17]: Added that items may be discussed to be added to a future agenda and that any Councilmember can suggest an item and at least three Councilmembers need to support moving an item forward.

4 MOTIONS

Commented [18]: Significant changes were made to the motions section to describe different types of motions made and their privilege compared to other motions.

4.1 MAIN MOTIONS

- A) Main motions are used to bring business before the Council for consideration and action on an agenda item. A main motion can be introduced only if no other business is pending. All main motions require a second. A main motion is debatable and may be amended.
- B) When a main motion is made verbally and seconded, it shall be stated by the Mayor or read by the Clerk. Verbal motions by the Council shall be stated clearly to avoid ambiguity or confusion. A motion shall be reduced to writing if requested by the Mayor, any Councilmember, or the Clerk. After a motion has been stated by the Mayor or read by the Clerk, it belongs to the Council as a whole and the maker may withdraw their motion as outlined in these rules.

4.2 SUBSIDIARY MOTIONS

- A) Subsidiary motions may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it. All subsidiary motions require a second to proceed.
1. *Motion to Amend:* The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon. A motion to amend, once seconded, is debatable and may itself be amended once. A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended. Once a motion to amend has been seconded and debated, it is decided before the main motion is decided. Certain motions to amend are improper.
 - a) An amendment must be “germane” to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
 - b) Motions that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session, is improper.

- c) “Friendly” amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before formal motions to amend the main motion have been made, and after one or more formal motions to amend the main motion have been made unless one or more members of Council objects to amending by “friendly” amendment (in which case a formal motion to amend the main motion must be used for that purpose).
- 2. *To lay on the table.* This motion postpones discussion of an item indefinitely, unless taken off the table. Example: “I move we table this item.” Tabling an item leaves it on the table and no specific time is stated for further discussion. It stays “on the table,” until a later agenda item provides notice it will be brought from the table for further discussion. A motion to lay on the table shall be decided without debate.
- 3. *To end debate or the “previous question”.* The most common form of this motion is to say: “I move the previous question,” or “I move the question,” or “I call for the question.” When a Councilmember makes such a motion, the Councilmember is relaying that “I’ve had enough debate. Let’s get on with the vote.” The motion requires a second. If the motion carries by two-thirds (2/3) majority of those Councilmembers present, all further debate is concluded, and the question put in this order: first upon the amendments pending, and then upon the main proposition before the Council. If the Nays prevail, the main question shall not then be put and the consideration of the subject is resumed, as though no motion for the previous question has been made.
- 4. *To postpone to a date certain.* This motion proposes delay in further discussion of the matter under consideration until a specific, stated time at which the item will be debated further or indefinitely. Example: “I move we postpone further discussion of this item until our first regular meeting in October.” This motion is not debatable except the date certain.
- 5. *To refer to a committee.* This motion directs that the item under consideration be sent to a committee for further analysis and recommendations. More information about committees can be found in Muscatine City Code Title 2 regarding Boards & Commissions.
- 6. *To postpone indefinitely.* Proposes delay in further discussion of the matter under consideration indefinitely. When passed, the motion cannot be reintroduced at that meeting. It may be brought up again at a later date. A majority vote is required to postpone the motion under consideration.

4.3 INCIDENTAL MOTIONS

- A) Incidental motions usually apply to the method of conducting business rather to the business itself.

1. *Point of Order.* If a Councilmember thinks that the rules of order are being violated, the Councilmember can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules. A “point of order” takes precedence over any pending question out of which it may arise, does not require a second, and is not amendable. While a “point of order” technically is not debatable, the member raising the point of order may be permitted by the presiding officer to explain their point.
2. *Motion to Divide a Question:* On demand of any Councilmember, before the question is put, the question may be divided if it comprehends propositions in substance so distinct, that, one being taken away, a substantive proposition shall remain for the decision of the Council. A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.

The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first. Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

4.4 RESTORATIVE MOTIONS

A) Restorative motions bring a question again before the Council for its consideration.

1. *Motion to Take from the Table.* The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table. A motion to take an item from the table must be seconded to proceed and is neither debatable nor amendable. When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.
2. *Motion to Reconsider.* After a vote is taken, the matter is deemed concluded and is subject to reconsideration only upon a timely motion at the same meeting, the adjourned meeting, any special meeting called for this purpose, or the next regular scheduled meeting, and such motion shall take precedence of all other questions except a motion to adjourn. A motion to reconsider shall only be made by a Councilmember who voted with the majority on the original motion and may be seconded by any member of the Council. A motion to reconsider requires a two-thirds (2/3) vote of the City Council to pass.
3. *Motion to Rescind or Amend Something Previously Adopted.* By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- a) A motion to rescind or amend something previously adopted must be seconded to proceed and is debatable and amendable.

Commented [19]: Restorative motions were added to ensure the minutes are clear when motions are reconsidered or taken from the table.

- b) There is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any member of the Council, regardless of how that member voted on the original question.
- c) The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken. Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used. For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- d) In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance.

4.5 PRIVILEGED MOTIONS

A) Privileged motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance that should be allowed to interrupt the consideration of anything else, without debate.

1. *Motion to adjourn.* This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote. This would occur outside of the adjournment in the Order of Business, which is called for by the Mayor. A motion to adjourn shall always be in order, except upon immediate repetition, interruption of a member speaking, when the previous question has been ordered, or a vote is being taken. A motion to adjourn is not debatable, except as to time.
2. *Motion to Recess.* A motion to recess is essentially a motion to take a break during the course of a Council meeting. A motion to recess must be seconded. A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion. A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess. After a recess, the meeting resumes when the presiding officer has called the meeting back to order.

- 4.6 No motion to postpone to a certain day, to refer to a committee, or to postpone indefinitely, having been decided, shall be made again on the same question at the same meeting.
- 4.7 A motion to spend public funds in excess of \$25,000 on any one project, or motion to accept public improvements and facilities upon their completion, requires an affirmative vote of not less than the majority of the Councilmembers.

- 4.8 Roll shall be called on any action of the Council, if requested by the Mayor or any Councilmember.
- 4.9 Roll shall be called on any action of any ordinances or resolutions.
- 4.10 The rules of parliamentary practice comprised in “Robert’s Rules of Order – Revised” shall govern the Council in all cases not covered by these Rules of the Council.

5 CITY COUNCIL ACTION

Commented [20]: Changed to include all actions, not just ordinances

- 1.1 A majority of all the members elected to the City Council constitutes a quorum for the transaction of business, which includes resolutions, ordinances, and simple motions (requests).

1.2 RESOLUTIONS

- A) Resolutions are proposed to set general policy, give formalized direction to staff, approve administrative actions, or for other reasons as required in the laws of the State of Iowa. Resolutions must be approved by a majority of all City Councilmembers (not just those present) and in some circumstances may require a three-fourths (3/4) affirmative vote as required by law.
- B) The subject matter of a resolution must be generally described in its title.
- C) Passage of a resolution requires an affirmative vote of not less than the majority of the Councilmembers.
- D) Resolutions generally are not published.

1.3 ORDINANCES

- A) An ordinance is needed to make changes to the City Code and to provide for any type of legislative enactment. An ordinance is the most binding and permanent type of council action and can be appealed or amended only by a subsequent ordinance. Depending on the type of ordinance, the City Council may hold a public hearing which provides the community with official notice that comments will be accepted by Council prior to deciding on the ordinance.
- B) The subject matter of an Ordinance or amendment must be generally described in its title.
- C) An amendment to an Ordinance or to a code of Ordinances must specifically repeal the Ordinance, code, section, or subsection to be amended and must set forth the Ordinance, code, section, or subsection as amended.
- D) A proposed Ordinance or amendment must be considered and voted on for passage at three City Council meetings, unless the requirement for a third reading of the Ordinance is suspended by a recorded vote of not less than three-fourths (3/4) of the Councilmembers.

- E) If a summary of the proposed Ordinance or amendment is published as required prior to its first consideration, and copies are available at the time of publication at the Office of the City Clerk, the Ordinance or amendment must be considered and voted on for passage at two City Council meetings, unless this requirement is suspended by a recorded vote of not less than three-fourths (3/4) of the City Councilmembers. The Clerk shall comply with the law in auditing and publishing the City Code.
- F) Passage of the Ordinance or amendment requires an affirmative vote of not less than the majority of all Councilmembers (not just those present).

5.1 Measures passed by the Council, other than simple motions, become effective in one of the following ways:

- A) The Mayor shall sign, veto, or take no action on an Ordinance, amendment or resolution passed by the Council. The Mayor may not vote as a member of the Council in accordance with the provisions of the laws of the State of Iowa.
- B) If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an Ordinance or amendment becomes the law when published as provided in Iowa Code Section 380.7, subsection 3, unless a subsequent effective date is provided within the ordinance or amendment.
- C) If the Mayor vetoes the measure, he or she shall explain his or her reasons for the veto in a message to the Council at the time of the veto. Within thirty (30) days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds (2/3) of the Councilmembers. If the Mayor vetoes the measure and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon passage, and an Ordinance or amendment becomes a law when published unless a subsequent effective date is provided within the measure.
- D) If the Mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an Ordinance or amendment becomes a law when published, but no sooner than fourteen (14) days after the date of passage, unless a subsequent effective date is provided within the measure.

5.2 SIMPLE MOTIONS (REQUESTS)

- E) Simple Motions are routine actions of the Council. Motions must be approved by a majority of the governing body present at the meeting and become effective immediately upon the vote of the Council. Actions that may be approved by request include but are not limited to approval of Council Meeting minutes, receipt of official documents, approval of liquor license, appointment to Council committees and boards, and issuance of purchase orders.

6 RIGHTS AND DUTIES OF COUNCILMEMBERS

- 6.1 When any Councilmember is about to speak, he or she shall address the Mayor, confine himself or herself to the question under discussion, and avoid personalities.

6.2 If any Councilmember in speaking or otherwise, transgresses the rules of the Council, the Mayor or any member may call him or her to order, in which case the Councilmember so called to order shall immediately refrain from continuing except to proceed in order. An appeal may be made to the Council on the ruling and the ruling shall stand unless nullified by a majority vote of the Councilmembers present.

6.3 The Councilmember who made the motion has the first right to speak on the motion.

Commented [21]: Added based on Robert's Rules

6.4 No Councilmember shall be recognized to speak twice on the same matter until every Councilmember desiring to comment on the matter has spoken.

6.5 When two or more Councilmembers request at the same time to speak on a question, the Mayor shall name the Councilmember who was first to speak. The others shall be given the opportunity to speak next.

6.6 While a Councilmember is speaking, other members shall not hold private discussions or in any other manner to disrupt the proceeding or interrupt the speaker.

6.7 No Councilmember shall be absent from any meeting of the Council without having notified the Mayor or Clerk in advance, giving the reasons for his or her absence. The Council may compel the attendance of any Councilmember if reasons for absence are deemed insufficient.

6.8 No Councilmember shall refuse to serve on any Committee to which he or she is appointed unless due to an identified conflict of interest.

6.9 Unless specifically otherwise provided in the City Code, or in the laws of the State of Iowa, each Councilmember shall vote on each question before the Council for a determination unless such Councilmember has a conflict of interest with the issue, which conflict shall be identified and communicated to the City Attorney prior to the meeting. If a conflict exists, the Councilmember shall withdraw from both the discussion and the vote on that item. The conflict will be recited into the record during the agenda item where the conflict may arise and have a determination by the City Attorney as soon as practicable. Any conflict of interest previously not identified by the Mayor or Councilmember should be announced at the time it arises by the member that believes he or she may have a conflict of interest on the record of the meeting, the councilmember should withdraw from the discussion and the vote, and the matter should be tabled if appropriate until the City Attorney is able to determine whether a conflict of interest exists.

Commented [WC22]: Changes were made regarding a conflict of interest to clarify the process and to reflect Iowa law.

7 RIGHTS OF PARTICIPATING AUDIENCE

7.1 The public is invited to comment under the "Communications – Citizens" portion of the meeting on any matter of public interest or concern that is not included under any item on the Council agenda. The public is also invited to comment Under "Public Hearings" on the matter under consideration for that hearing. The Mayor, at his/her discretion, may invite the public to comment on individual items on the agenda as that item is considered in the order of business.

Commented [23]: Reworded and added the last sentence

7.2 When any member of the audience has a matter to bring before the Council, he or she shall address himself or herself to the Mayor, giving his or her name and address and present the matter either verbally or in writing. If the matter is presented in writing, the petition or communication shall be filed with the Clerk for the records of the Council.

7.3 No member of the audience shall speak more than once on any question unless every other member of the audience or Council has had the opportunity to speak on such subject, and in no case shall a member of the audience speak more than twice on the same question without the consent of the Council. The total time for speaking by any member of the audience shall be three minutes, unless the Mayor extends or reduces the time as needed to ensure a timely and orderly meeting. If the time is extended or reduced for any member of the audience, the same shall apply to all other audience members who wish to speak.

Commented [24]: Added that the mayor may reduce/increase time

7.4 When two or more members of the audience rise at the same time, the Mayor shall name the one to speak first. The other shall be given the opportunity to speak next.

7.5 Each speaker shall promptly cease their comments and yield the lectern immediately upon expiration of the time allotted by the Mayor.

7.6 No speaker may yield part or all of their time to another speaker, and no speaker will be credited with time requested but not used by another.

Commented [25]: Added prohibitions on yielding the lectern

7.7 The Mayor may, at his or her discretion, require speakers to sign in prior to the start of a meeting in order to ensure efficient audience participation.

Commented [26]: Added signing in to speak

7.8 The use of City projection equipment to display presentation materials to Council will be allowed in limited circumstances that permit City staff to manage the use of equipment, prepare materials for display, and avoid delay or disruption of the meeting.

Commented [27]: Added info on projection

7.9 If any member of the audience speaks or conducts himself or herself in an unbecoming manner, the Mayor shall have the right to call him or her to order and he or she shall immediately thereupon be seated and shall not speak further less he or she conducts himself or herself in an orderly manner.

7.10 Members of the audience shall address all remarks to the Mayor and shall not hold conversations or discussions with other members of the audience.

8 MEETING CONDUCT

Commented [28]: Added this section and included the chapter on Sergeant at Arms to ensure a timely and orderly meeting.

8.1 DISORDERLY CONDUCT

A) No person shall disrupt the orderly conduct of a Council meeting. Prohibited disruptive behavior includes, but is not limited to shouting, applause, making disruptive noises, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council table without consent.

B) Any message to or contact with any Councilmember while the Council is in session must be made through the City Clerk.

C) The Mayor, Councilmembers, City Administrator, and City staff shall at all times conduct themselves civilly. No person shall be permitted to shout, curse or use personally offensive language directed at other individuals. Any person called to order by the presiding officer shall immediately desist in the objectionable behavior.

- D) While any person is addressing the meeting, who has been duly recognized by the presiding officer, no person shall hold any disruptive or distracting private conversation.

8.2 SERGEANT-AT-ARMS

- A) The presiding officer is the Sergeant-at-Arms of the Council meetings unless otherwise delegated upon the request of the presiding officer or any Councilmember.
- B) The Sergeant-at-Arms maintains order and decorum at the Council meetings. Physical removal, when necessary, will be undertaken by law enforcement personnel.
- C) Law enforcement personnel, by order of the presiding officer, may remove any person from the Council chambers or meeting hall for the duration of the meeting:
 - 1. Unreasonably loud or disruptive language, noise or conduct which obstructs the work of conducting of the business of the Council.
 - 2. Willful injury of furnishings or the interior of the Council chambers or meeting hall.
 - 3. Refusal to obey the rules of conduct, including the limitations on occupancy and seating capacity.
 - 4. Refusal to obey an order of the presiding officer or an order approved by a majority of the Council present.
 - 5. Law enforcement personnel may, at their discretion, remove a person who is deemed a danger to others.
 - 6. If a meeting is disrupted by more than one member of the audience and where it appears a general breakdown of order has occurred or will occur, the presiding officer or a majority of the Council present may order that the Council chambers or other meeting hall be cleared.
 - 7. As provided in City Code Section 6-3-11 and 6-3-13, if any person interferes, obstructs, or disturbs the assembly of City Council or harasses members of Council in an attempt to prevent them from performing their duties, that person shall be guilty of a misdemeanor and is subject to penalties as set out in Section 1-2-14 of the City Code.
 - 8. It shall be the duty of the Sergeant-at-Arms to enforce any written order of the Council or the presiding officer.

- 8.3 The ringer or other tones of any cellphones, pagers or other communications devices must be off in Council Chambers to avoid disrupting the meeting.
- 8.4 Attendees leaving the meeting before it has been adjourned must leave in a quiet and orderly manner until outside of the building, to avoid disrupting the meeting.

9 IN-DEPTH COUNCIL MEETING PROCEDURE

- 9.1 In-Depth Council meetings are held as study sessions for the purpose of deliberating towards a decision on any matter. No public comment is taken at an In-Depth meeting and no formal action on any item may be taken at an In-Depth meeting. Any matter considered an urgency by Council or the City Administrator may be placed on a special meeting agenda that may coincide with an In-Depth meeting. Such special meeting will be properly noticed as required by Iowa Open Meetings Law Chapter 21.4.
- 9.2 The rules of Council shall generally not apply to In-Depth meetings except for the rules contained and this section and except for the following, it being the intent thereof to give the Council complete freedom of discussion:
- A) The presiding officer shall be the Mayor as provided in Section 1.4 of these rules.
 - B) No persons shall be permitted to address the Council during the In-Depth Council meetings without an agenda item and prior approval of the presiding officer.
 - C) The Council may adopt a motion to refer any matter brought before it and may adopt the motion to adjourn at any time.
 - D) In-Depth meetings will be conducted in accordance with the laws of the State of Iowa.
 - E) Minutes of the In-Depth Council meetings shall be kept in accordance with the provisions of the State of Iowa laws and with the City Code and are to be submitted for approval at a subsequent meeting under the same procedures outlined in Section 3.4 of these rules.

Commented [WC29]: Changed to reflect current practice of generally not accepting public comment at In-Depth Meetings

10 OPEN MEETINGS LAW

- 10.1 All meetings conducted by the City Council shall be held in accordance with the Iowa Open Meetings Law, Chapter 21 of the Iowa Code, and as amended.
- 10.2 Closed sessions of City Council shall be held in accordance with Chapter 21.5 of the Iowa Code. Closed sessions may only be held on an affirmative vote of two-thirds (2/3) of the members of Council or all of the members present at the meeting.
- 10.3 The City Council shall not discuss any business during a closed session which is not directly related to the specific reason announced as justification for the closed session.
- 10.4 Final action by the City Council on any matter discussed in closed session shall be taken in open session unless some other provision of the Iowa Code expressly permits such actions to be taken in closed session.
- 10.5 Closed meetings of Council may be held 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 of the City's possession or continued receipt of federal funds.
 - B) To discuss application for letters patent.

Commented [30]: Updated to reflect current Iowa Law

- 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 City is the licensing or examining board.
- E) To discuss the decision to be rendered in a contested case conducted according to the provisions of Iowa Code Chapter 17A.
- F) To avoid disclosure of specific law enforcement matters, such as current or proposed investigations or inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.
- G) 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.
- H) 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.
- I) To discuss the purchase or sale 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 or reduce the price the governmental body would receive for that property. The minutes and the audio recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.
- J) To discuss information contained in records in the custody of the City that are confidential records pursuant to section 22.7, subsection 50.

10.6 Electronic Meetings

Commented [31]: New Section

- A) City Council may conduct a meeting by remote technologies as provided in Iowa Code Chapter 21.8. The City Clerk will provide public access to the meeting to the extent reasonably possible. The City Clerk will include in the public notice that the meeting will be conducted electronically and will provide the public with information on how to access the meeting. Minutes of electronic meetings will include a statement explaining why a meeting in person was impossible or impractical.

10.7 Cablecasting City Council Meetings

- A) All regular City Council meetings and In-Depth City Council meetings shall be cablecast over the local government channel.
- B) Special City Council meetings will generally not be cablecast unless such special meeting is conducted immediately preceding or immediately after a Regular or In-Depth Council meeting or as required by a majority vote of the City Council.

CITY OF MUSCATINE
RULES OF CITY COUNCIL FOR THE CITY OF MUSCATINE
MUSCATINE, IOWA

Chapter 1	Sessions of the Council
Chapter 2	Agenda
Chapter 3	Details Pertaining to Order of Business
Chapter 4	Motions
Chapter 5	Ordinances
Chapter 6	Rights and Duties of Councilmembers
Chapter 7	Rights of Participating Audience
Chapter 8	Sergeant-at-Arms
Chapter 9	In-Depth Council Meeting Procedure
Chapter 10	Suspension and Amendment of Rules
Chapter 11	Open Meetings Law
	Code of Ethics

REVISED: August 4, 2016

CITY OF MUSCATINE

RULES OF THE CITY COUNCIL OF THE CITY OF MUSCATINE

CHAPTER 1

SESSIONS OF THE COUNCIL

1.1 The City Council shall hold its regular sessions on the first and third Thursday of each month at 7:00 p.m. in the City Hall, unless the time set shall be a holiday, then such meeting shall be held at the same time and place on the prior secular day which is not a holiday.

1.2 Special meetings may be called in conformity with 1-9-5 of the City Code.

1.3 The City Council shall hold its In-Depth Council meetings (study sessions) on the second Thursday of each month at 7:00 p.m. in the City Hall, unless the time set shall be a holiday, then such meeting shall be held at the same time and place on the prior secular day which is not a holiday.

1.4 Except when absent from the City or temporarily unable to perform his or her duties, the Mayor shall preside over all meetings of the Council and preserve order thereat. The Mayor Pro Tem shall preside during the absence of the Mayor or at the call of the Mayor. In the event of the absence of both the Mayor and Mayor Pro Tem, the Council shall be called to order by the Clerk, and the Council shall immediately select one its members to serve as Acting Mayor Pro Tem, he or she shall have the same rights and privileges as other members of the Council.

CHAPTER 2

AGENDA

2.1 On the Tuesday before each Council meeting, the City Administrator shall provide the Agenda for such Council meeting to the Mayor and each Councilmember. If the Monday prior to a Council meeting is a holiday, then such agenda and attachments shall be provided on the Wednesday prior to the meeting.

ORDER OF BUSINESS

2.2 At the regular meetings of the City Council, the Order of Business shall be as follows:

1. Opening
2. Roll Call
3. Pledge of Allegiance
4. Communications – Citizens
5. Consent Agenda
6. Minutes – Approval*
7. Public Hearings
8. Petitions and Communications**
9. From the Mayor***
10. Planning & Zoning
11. City Administrator
12. Communications Receive and File****
13. Approval of Bills
14. Communications – Councilmembers
15. Other Business
16. Adjournment

2.3 The Council agenda for all items except petitions and communications shall be closed after 5:00 p.m. on the Monday immediately preceding each regular Council meeting. Items received after that time, unless of obvious urgency, shall be held over until the following Council meeting.

CHAPTER 3

DETAILS PERTAINING TO ORDER OF BUSINESS

3.1 Roll Call shall be called at all regular and special meetings of the Council to determine if a quorum is present. Four members of the Council shall constitute a quorum and the Clerk shall announce whether a quorum is present.

3.2 Under “Public Hearings” the Mayor, or a City staff person requested by the Mayor, reports the purpose of the hearing after which time the public shall be given the opportunity to comment on the proposed matter in accordance with the rules outlined under “Rights of Participating Audience”.

3.3 Under “Minutes – Approval” the minutes of the previous Council meeting shall be approved upon motion. The City Clerk, prior to the meeting, shall have sent to each Councilmember a copy of the minutes and the reading of such minutes shall not be required unless the reading of certain articles thereof shall be requested by the Mayor or any Councilmember.

* “Minutes – Approval” is part of the Consent Agenda.

3.4 Under “Communications – Citizens” includes such communications, either verbal or written, as anyone in the audience may wish to present and which have not been included under any other item on the Council agenda. Citizens shall be allowed to address the Council in accordance with the provision of “Rights of Participating Audience”.

3.5 Under “Petitions and Communications” any petitions or communications from citizens or organizations are to be presented and read, including any applications for licenses or permits. Communications from anonymous persons are not to be presented.

****** “Petitions and Communications” is part of the Consent Agenda.

3.6 Under “From the Mayor” any messages, recommendations or suggestions which the Mayor deems appropriate from time to time are to be presented.

******* “From the Mayor” is part of the Consent Agenda.

3.7 Under “From the Planning and Zoning Commission” recommendations from the Planning and Zoning Commission will be considered by the City Council. All matters under this item are forwarded from the Planning and Zoning Commission with specific recommendations to the City Council.

3.8 Under “From the City Administrator” includes reports, recommendations, or communications of any nature from the City Administrator, other City departments, and other City boards and advisory commissions. These items, when appropriate, will include specific recommendations from the City Administrator.

3.9 Under “Communications – Receive and File” includes minutes from the various City boards and advisory commissions, special monthly reports, financial reports of the City, and other communications which require no action by the City Council. All items under this section can be received and filed by a single motion of the Council.

******** “Communications – Receive and File” is part of the Consent Agenda.

3.10 Under “Approval of Bills” the City Council shall consider the payment of all bills as submitted with the Council agenda and as prepared by the Finance Director. The Council shall authorize the payment by motion and authorize the Mayor and City Clerk to issue warrants for the amount requested. Members of the Council may question the payment of any bill and shall be provided with information concerning the bills from the City Administrator.

3.11 Under “Communications – City Council Members” any member of the Council shall have the opportunity to present suggestions or recommendations for discussion by the Council.

3.12 Under “Other Business” the Mayor, Councilmembers, City Administrator, or City Attorney may bring up items which are not on the agenda; which items may be of a general nature in the form of information, or in case of an urgency, the matter may require action by the City Council.

CHAPTER 4

MOTIONS

4.1 When a motion is made in writing and seconded, it shall be stated by the Mayor and handed to the Clerk for recording before being debated.

4.2 A motion shall be reduced to writing if requested by the Mayor, any Councilmember, or the Clerk.

4.3 After a motion has been stated by the Mayor or read by the Clerk, it shall be deemed to be in possession of the Council, but may be withdrawn by the maker at any time before a decision or amendment is made.

4.4 When a question is under discussion, no motion shall be received except one of the following, which shall have precedence in the following order:

1. To adjourn
2. To lay on the table
3. For the previous question
4. To postpone to a certain day
5. To refer to a committee
6. To amend the motion
7. To postpone indefinitely

No motion to postpone to a certain day, to refer to a committee, or to postpone indefinitely, having been decided, shall be made again on the same question at the same meeting.

4.5 A motion to lay on the table shall be decided without debate.

4.6 A motion to adjourn shall always be in order, except upon immediate repetition, interruption of a member speaking, when the previous question has been ordered, or a vote is being taken. A motion to adjourn is not debatable, except as to time.

4.7 The previous question, having been moved and seconded, shall be in this form: "Shall the main question be now put?" It shall only be ordered when demanded by a majority of the Councilmembers present, and if carried, shall close all debate and the main question shall be put immediately. If the Nays prevail, the main question shall not then be put and the consideration of the subject shall be resumed, as though no motion for the previous question had been made.

4.8 On demand of any Councilmember, before the question is put, the question shall be divided if it comprehends propositions in substance so distinct, that, one being taken away, a substantive proposition shall remain for the decision of the Council.

4.9 When any motion has been carried or lost, it shall be in order for any member of the majority to move for a reconsideration thereof, at the same meeting, the adjourned meeting, any special meeting called for this purpose, or the next regular meeting of the Council, and such motion shall take precedence of all other questions except a motion to adjourn. A motion to move for a reconsideration may be seconded by any member of the Council.

4.10 No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. A substitute motion ranks as an amendment to the main motion. It proposes to strike out the entire original motion and to insert in its place a more satisfactory motion.

4.11 Roll shall be called on the expenditures of amounts of \$1,000 or more, if requested by the Mayor any Councilmember.

4.12 Roll shall be called on any action of the Council, if requested by the Mayor or any Councilmember.

4.13 Roll shall be called on any action of any ordinances or resolutions.

4.14 The rules of parliamentary practice comprised in “Robert’s Rules of Order – Revised” shall govern the Council in all cases not covered by these Rules of the Council.

CHAPTER 5

ORDINANCES

5.1 The subject matter of an Ordinance or amendment must be generally described in its title.

5.2 An amendment to an Ordinance or to a code of Ordinances must specifically repeal the Ordinance, code, section, or subsection to be amended and must set forth the Ordinance, code, section, or subsection as amended.

5.3 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 the requirement is suspended by a recorded vote of not less than three-fourths (3/4) of the Councilmembers.

However, if a summary of the proposed Ordinance or amendment is published as required prior to its first consideration, and copies are available at the time of publication at the Office of the City Clerk, the Ordinance or amendment must be considered and voted on for passage at one meeting prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths (3/4) of the City Council members.

5.4 Passage of the Ordinance, amendment, or resolution requires an affirmative vote of not less than the majority of the Councilmembers.

5.5 Motion to spend public funds in excess of \$25,000 on any one project, or motion to accept public improvements and facilities upon their completion, requires an affirmative vote of not less than the majority of the Councilmembers.

5.6 The Mayor shall sign, veto, or take no action on an Ordinance, amendment or resolution passed by the Council. The Mayor may not vote as a member of the Council in accordance with the provisions of the laws of the State of Iowa.

5.7 Measures passed by the Council, other than motions, become effective in one of the following ways:

- A) If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an Ordinance or amendment becomes the law when published, unless a subsequent effective date is provided within the measure.
- B) If the Mayor vetoes the measure, he or she shall explain his or her reasons for the veto in a message to the Council at the time of the veto. Within thirty (30) days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds (2/3) of the Councilmembers. If the Mayor vetoes the measure and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon passage, and an Ordinance or amendment becomes a law when published unless a subsequent effective date is provided within the measure.
- C) If the Mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an Ordinance or amendment becomes a law when published, but no sooner than fourteen (14) days after the date of passage, unless a subsequent effective date is provided within the measure.

CHAPTER 6

RIGHTS AND DUTIES OF COUNCILMEMBERS

6.1 When any Councilmember is about to speak, he or she shall address the Mayor, confine himself or herself to the question under discussion, and avoid personalities.

6.2 If any Councilmember in speaking or otherwise, transgresses the rules of the Council, the Mayor or any member may call him or her to order, in which case the Councilmember so called to order shall immediately refrain from continuing except to proceed in order. An appeal may be made to the Council on the ruling and the ruling shall stand unless nullified by a majority vote of the Councilmembers present.

6.3 When two or more Councilmembers request at the same time to speak on a question, the Mayor shall name the Councilmember who was first to speak. The others shall be given the opportunity to speak next.

6.4 While a member is speaking, other members shall not hold private discussions or in any other manner interrupt the speaker.

6.5 No Councilmember shall be absent from any meeting of the Council without having notified the Mayor or Clerk in advance, giving the reasons for his or her absence. The Council may compel the attendance of any Councilmember if reasons for absence are deemed insufficient.

6.6 No Councilmember shall refuse to serve on any Committee to which he or she is appointed.

6.7 Unless specifically otherwise provided in the City Code, or in the laws of the State of Iowa, each Councilmember shall vote on each question before the Council for a determination unless such Councilmember has a direct conflict with the issue, which conflict shall be ruled upon by the City Attorney.

CHAPTER 7

RIGHTS OF PARTICIPATING AUDIENCE

7.1 When any member of the audience has a matter to bring before the Council, he or she shall address himself or herself to the Mayor, giving his or her name and address and present the matter either verbally or in writing. If the matter is presented in writing, the petition or communication shall be filed with the Clerk for the records of the Council.

7.2 No member of the audience shall speak more than once on any question unless every other member of the audience or Council has had the opportunity to speak on such subject, and in no case shall a member of the audience speak more than twice on the same question without the consent of the Council. The total time for speaking by any member of the audience shall be THREE MINUTES, unless the Mayor extends the time.

7.3 When two or more members of the audience rise at the same time, the Mayor shall name the one to speak first. The other shall be given the opportunity to speak next.

7.4 If any member of the audience speaks or conducts himself or herself in an unbecoming manner, the Mayor shall have the right to call him or her to order and he or she shall immediately thereupon be seated and shall not speak further less he or she conducts himself or herself in an orderly manner.

7.5 Members of the audience shall address all remarks to the Mayor and shall not hold conversations or discussions with other members of the audience.

CHAPTER 8

SERGEANT-AT-ARMS

8.1 The Sergeant-at-Arms shall attend any meeting of the Council upon the request of the presiding officer of the Council or any Councilmember.

8.2 It shall be the duty of the Sergeant-at-Arms to enforce any written order of the Council or the presiding officer.

CHAPTER 9

IN-DEPTH COUNCIL MEETING PROCEDURE

9.1 In-Depth Council meetings are held as study sessions for the purpose of deliberating towards a decision on any matter. Normally, action will not be taken on the matters discussed at In-Depth Council meetings unless an item has been specifically placed on the agenda. Any matter considered an urgency by Council and requested for action at an In-Depth Council meeting shall require approval (by simple majority) of Council before acting on the matter.

9.2 The rules of Council shall not apply to study sessions except for the rules contained in this section and except for the following, it being the intent thereof to give the Council complete freedom of discussion:

- A) The presiding officer shall be the Mayor as provided in Section 1.4 of these rules.
- B) All persons shall be permitted to address the Council during the In-Depth Council meetings in accordance with Chapter 7 of these rules. The Council may adopt the motion to refer any matter brought before it and may adopt the motion to adjourn at any time.
- C) Minutes of the In-Depth Council meetings shall be kept in accordance with the provisions of the State of Iowa laws and with the City Code and are to be submitted for approval at a subsequent meeting under the same procedures outlined in Section 3.4 of these rules.

CHAPTER 10

SUSPENSION AND AMENDMENT OF RULES

10.1 The Council may suspend any specific rule of the Council upon a three-fourths (3/4) vote of the members present. After having given written notice at a previous regular meeting, these rules may be amended at any regular meeting by a three-fourth (3/4) vote of the members of Council.

CHAPTER 11

OPEN MEETINGS LAW

11.1 All meetings conducted by the City Council shall be held in accordance with the Iowa Open Meetings Law, Chapter 28A of the Iowa Code, and as amended.

11.2 Closed sessions of City Council shall be held in accordance with Chapter 28A of the Iowa Code. Closed sessions may only be held on an affirmative vote of two-thirds (2/3) of the members of Council or all of the members present at the meeting.

11.3 The City Council shall not discuss any business during a closed session which is not directly related to the specific reason announced as justification for the closed session.

11.4 Final action by the City Council on any matter discussed in closed session shall be taken in open session unless some other provision of the Iowa Code expressly permits such actions to be taken in closed session.

11.5 Closed meetings of Council may be held 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 discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.
- F) To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.
- G) 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.
- H) 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.
- I) 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. The minutes or the tape recording of a session closed under this paragraph shall be available for public examination when the transaction is completed.

CHAPTER 12

CABLECASTING CITY COUNCIL MEETINGS

12.1 All regular City Council meetings and In-Depth City Council meetings shall be cablecast over the local government channel.

12.2 Special City Council meetings shall not be cablecast unless required by a majority vote of the City Council.

MUSCATINE CITY COUNCIL

ETHICS POLICY

CODE OF ETHICS

Sec. 1.001 Statement of Purpose.

Accepting a position as a public official and/or employee carries with it the acceptance of trust that the official/employee will work to further the public interest; maintaining that public trust is critical to the continued operation of good government. In addition, public decision-making should be open and accessible to the public at-large. To preserve the public trust, there are five principles to which public officials and/or employees should adhere: (i) a public official and/or employee represent and work towards the public interest and not towards private or personal interests, (ii) a public official and/or employee should accept and maintain the public trust to the degree that preserves and enhances the public's confidence in their public officials and/or employees, (iii) a public official and/or employee should exercise leadership in the form that consistently demonstrates behavior that reflects the public's trust, (iv) a public official and/or employee should recognize the proper role of all government bodies and the relationships between various government bodies and (v) a public official and/or employee should always demonstrate respect for others and for other positions.

Sec. 1.002 Definitions.

For the purpose of this Code of Ethics, the following words and phrases shall have the meanings ascribed to them by this section.

Advisory Board shall mean a board, commission or committee of the City that functions only in an advisory or study capacity.

Business Entity shall mean a sole proprietorship, partnership, firm, corporation, association, holding company, joint-stock company, receivership, trust or any other entity recognized by law.

Employee shall mean any person employed by the City of Muscatine, Iowa, including those individuals on a part-time basis, but such term shall not be extended to apply to any independent contractor.

Knowingly shall mean a person acts knowingly, or with knowledge, with respect to the nature of his/her conduct or to circumstances surrounding his/her conduct when he/she is aware of the nature of his/her conduct or that the circumstance exist. A person acts knowing or with knowledge, with respect to a result of his/her conduct when he/she is aware that his/her conduct is reasonably certain to cause the result.

Officer shall mean any member of the City Council, the Planning and Zoning Commission, the Board of Adjustment, and any member of a board, commission, task force or committee established by ordinance, resolution, charter or state law that has final approval authority over any application, permit, license or other City approvals provided however; no members of an advisory board shall be deemed an officer of the City.

Substantial Interest shall mean:

- A. A person has a substantial interest in the business entity if:
- (1) the interest is ownership of ten percent (10%) or more of the voting stock or shares of the business entity or ownership of either ten percent (10%) or more or five thousand dollars (\$5,000.00) or more of fair market value of the business entity; or
 - (2) Funds received by the person from the business entity exceed ten percent (10%) of the person's gross income for the previous year; or
 - (3) the person holds a position of member of the board of directors or other governing board of the business entity; or
 - (4) the persons serves as an elected officer of the business entity; or
 - (5) the person is an employee of the business entity; or
 - (6) the person is a creditor, debtor or guarantor of the business entity in the amount of five thousand dollars (\$5,000.00) or more; or
 - (7) property of the person has been pledged to the business entity or is subject to a lien in favor of the business entity in the amount of five thousand dollars (\$5,000.00) or more.
- B. A person does not have a substantial interest in a business entity if:
- (1) the person has been designated by the City Council to serve as a member of the board of directors or other governing board of a business entity; and
 - (2) the person receives no remuneration, either directly or indirectly, for his/her service on such board; and
 - (3) the primary nature of the business entity is either charitable, non- profit or governmental.
- C. A person has a substantial interest in real property if the interest is an equitable or legal ownership interest with a fair market value of two thousand five hundred dollars (\$2,500.00) or more.
- D. A person has a substantial interest under this ordinance if the person's spouse or a person related to the person in the first degree by consanguinity or affinity has a substantial interest under this ordinance.

A person is related in the first degree of consanguinity to his/her father, mother, brother, sister, son or daughter. A person is related in the first degree of affinity to his/her father-in-law, mother-in-law, brother's spouse, sister's spouse, son-in-law or daughter-in-law.

Sec. 1.003 Standards of Conduct.

Subsection 1. General Principles.

Members shall comply with the laws of the United States, the State of Iowa and the City of Muscatine, Iowa's ordinances and policies in performance of their public duties. Members shall work for the common good of the people of Muscatine, Iowa and not for the private person or personal interest.

Subsection 2. Contact of Members and Contact of Meetings.

A member's professional and personal conduct must be above reproach and must avoid even the appearance of impropriety. Members shall refrain from abusive conduct and should also refrain from making personal charges or verbal attacks upon the character or motives of other members of the council, boards and commissions, the staff, city employees or the public. Council members

should treat all city employees, fellow council members and the public in a respectful manner and shall not speak ill of the City of Muscatine, Iowa, any city employee, fellow council members or the public at a public meeting. All complaints or concerns about city employees shall be transmitted through the City Administrator who shall be charged with investigating those complaints. Any complaints about city employees should be made in writing, signed and dated.

Subsection 3. Public Meetings.

All gatherings in person or by electronic means, whether formal or informal, of a majority of the Members must be conducted in open session unless exceptions or exemptions are specifically provided by law. "Open session" means a meeting to which all members of the public have access. Members shall prepare themselves for all public meetings, listen attentively to all public discussions, hearings and presentations made to the Council or committee and participate in the business of the body. Members shall refrain from interrupting speakers, making personal comments not pertaining to the business of the body and from making any comments that are inappropriate or otherwise interfere with the orderly conduct of the meetings. Members shall conduct themselves according to the Rules of Order established by city ordinances and Iowa law. Members shall base their decisions on the merit and substance of the matter at hand and not upon a political, personal or unrelated considerations in decision making.

Section 4. No council member, board member, officer or employee, directly or indirectly or by others on his/her behalf or his/her request or suggestion, shall:

- (a) engage in any private business, transaction or employment, or have any substantial interest therein, which is incompatible or in conflict with the proper and impartial discharge of his/her duties on behalf of the City or which would be in violation of conflict of interest prohibitions found at Iowa Code §68B.2A or which would violate provisions of Iowa Code §362.5(2) (2013);
- (b) represent any private party before the public body on which the official sits or over which the official has appointment or budgetary powers;
- (c) disclose without authorization or use to further a personal interest, confidential information acquired in the course of his/her official duties;
- (d) grant or influence the granting of any special consideration, advantage or favor, to any person, group, firm or corporation, beyond that which is the general practice to grant or make available to the public at-large;
- (e) accept anything of economic value such as money, service, gift, loan gratuity, favor or promise thereof for the purpose and intent of which is to influence any such councilor, board member, officer or employee of the City in the exercise of his/her official judgment, power or authority, unless specifically exempted by Iowa Code §68B.22;
- (f) make personal use of staff, vehicles, equipment, materials or property of the City except in the course of his/her official duties or as duly authorized by the proper City councilor, board member, officer or employee;
- (g) participate in the appointment, vote for appointment or discussion of any appointment of an immediate family member or business associate or use his/her position, directly or indirectly, to effect the employment status of an immediate family member or business associate to any City office or position, paid or unpaid;
- (h) receive or have any financial interest in any sale to the City of any real estate when such financial interest was received under circumstances which would lead a reasonable person to expect that the City intended to purchase, condemn or lease said real estate

Sec. 1.004 Ex-Parte Communications.

In any such quasi-judicial matter (e.g. personnel decisions, condemnation proceedings, zoning rules, matters involving the issuance of a permit or approval) or the award of a contract before the Council, Board, Commission or Committee, a public councilor, board member or officer sitting on such Council, Board, Commission or Committee, shall not, outside of that Council, Board, Commission or Committee, communicate with or accept a communication from a person for which there are reasonable grounds for believing to be a party to the matter being considered, if such communication is designed to influence the councilor's, board member's or officer's action on that matter. If such communication should occur, the councilor, board member or officer shall disclose it at an open meeting of the Council, Board, Commission or Committee prior to its consideration of the matter.

Sec. 1 005 Disclosure of Interest and Recusal Procedures.

Whenever a matter comes before the Council, Board, Commission or Committee, as to which any conflict of interest standard, as prescribed in Section 1.003 of this Code of Ethics, applies to one of its members, the following provisions shall apply:

- (a) A councilor, board member, officer or employee shall disclose the existence of any substantial interest in a business entity or real property involved in any decision pending before such councilor, board member, officer or employee, or the body of which the councilor, board member, officer or employee is a member.
- (b) Following such disclosure, such councilor, board member or officer shall not participate in any consideration, discussion or vote on the matter before the Council, Board, Commission or Committee. If the councilor, board member or officer wishes to address the issue at an open public meeting, said councilor, board member or officer may participate as a member of the public. During deliberation and vote on the matter, the councilor, board member or officer may participate as a member of the public. The councilor, board member or officer may attend an executive session to discuss the matter at the invitation of the Council, Board, Commission or Committee, if such attendance complies with the statutory requirements of the Open Meetings Act.
- (c) The councilor, board member or officer shall not, during any part of the Council, Board, Commission or Committee meeting pertaining to the matter requiring the disclosure, represent, advocate on behalf of or otherwise act as the agent of the person or business entity in or with which the councilor, board member or officer has such an interest or relationship.
- (d) The foregoing shall not be construed as prohibiting the councilor, board member or officer from testifying as to factual matters at a hearing of the City Council, the Planning and Zoning Commission, the Board of Adjustment, or any other board, commission or committee.

Sec. 1 006 Advisory Opinions.

- (a) Where any councilor, board member, officer or employee has a doubt as to the applicability of any provision of this Code of Ethics to a particular situation, or as to the definition of terms used herein, he/she may apply to the City Attorney, by way of the City Administrator, for an advisory opinion. The councilor, board member, officer or employee shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of provisions of said Code of Ethics before such advisory opinion is made.

- (b) Until amended or revoked, any advisory opinion shall be binding on the City, the City Council and the City Attorney in any subsequent actions concerning the councilor, board member, officer or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen.

Sec. 1.007 Reporting of Ethics violation.

- (a) The City Council shall have the primary responsibility for the enforcement of this Code of Ethics. Said Council may direct the City Attorney to investigate or prosecute any apparent violation of this Code or it may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations of this Code by one or more persons. At the direction of the City Council, the attorney shall have the power to investigate any complaint, to initiate any suit and to prosecute any action on behalf of the City where such action is appropriate.
- (b) Any person who believes that a violation of any portion of the Code of Ethics has occurred, may file a complaint with the City Council who may then proceed as provided in subsection (a) above however; nothing in this Code shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

Sec. 1.008 Penalties, Forfeited Position, Exemptions; Injunctions.

- (a) Except where otherwise provide by State law, it is not the intent of this Code of Ethics that violations therefore be subject to criminal penalties.
- (b) Whenever the City Council has determined that any councilor, board member, officer or employee has violated any provision of said Code of Ethics, such councilor, board member, officer or employee shall be subject to discipline.
- (c) The City Council may apply levels of discipline to the councilor, board member, officer or employee ranging from private consultation, admonishment, censure and reprimand. The Council may also choose to have the board member or officer forfeit their seat however; this level of discipline cannot be used on elected Council members.
- (d) The City Council may exempt from provisions of this Code of Ethics any conduct found to constitute a violation by a councilor, board member, officer or employee if it finds that the enforcement of this Code with respect to such conduct is not in the public interest.
- (e) Any contract or transaction which was the subject of an official act or action of the City in which there is an interest prohibited by this Code or which involved the violation of a provision of this Code, shall be voidable at the option of the City Council.

Sec. 1.12.009 Distribution of Code of Ethics.

The City Administrator shall cause a copy of this Code of Ethics to be distributed to every councilor, board member, officer and employee of the City within thirty (30) days after the enactment of said Code. Each councilor, board member, officer and employee thereafter elected or appointed shall be furnished a copy of said Code of Ethics before entering upon the duties of his/her office or position and shall sign a written statement acknowledging receipt of the copy of the Code of Ethics.

**CODE OF ETHICS
SIGNATURE OF ACCEPTANCE**

Please read and sign the Signature of Acceptance and return it to the Human Resources Department for your official personnel record.

I have received my copy of the Rules of City Council, which outlines the procedures for City Council meetings and includes the City of Muscatine's Code of Ethics. I will familiarize myself with the material and understand that I am governed by its contents as it pertains to City Council procedures.

Signature

Date

Print Name

Proposed Revisions to the Rules of City Council

09/08/22

CAROL WEBB, CITY ADMINISTRATOR



Direction Sought

Does the City Council have questions or feedback on the proposed changes to the Rules of City Council?

Does the City Council support moving forward with a request to approve the proposed changes to the Rules of City Council?

Strategic Alignment

Excellent Customer Service



Provide excellent customer service to our residents, businesses, and visitors through effective citizen outreach and engagement, employee training and improved organizational processes.

Background

Authority to Establish Rules of Council

- Iowa Code Chapter 372.13(5): “The council shall determine its own rules and maintain records of its proceedings”
- City Charter Article IV, Sec. 15 – “...determine the rules of its own proceedings...”
- City Code 1-9-6 – “the Council shall prescribe its own rules of procedure by resolution...”

Current Rules of City Council were last updated in August 2016.

Certain changes needed to:

- Reflect current City Council practices and current Iowa law.
- Other proposed changes to support timely and orderly City Council meetings .



Proposed Substantive Changes

- Changed meeting start time to 6:00 pm
- Allowed Councilmembers to participate using remote technologies
- Added items to the order of business and clarified the purpose of each agenda item
 - Invocation
 - Approval of Agenda
 - Councilmember Follow-Up to Citizen Communications
 - Purchase Orders
 - Boards and Commissions (replaced Planning & Zoning Commission)
 - Mayor and Council reports (replaced Council Communications and Other Business)



Proposed Substantive Changes cont'd

- Motions
 - Several additions to provide clarity on the rule of procedure for certain types of motions.
- Council Action
 - Subsections added to describe the various legislative actions taken by City Council (resolutions, ordinances, and simple motions (requests)).
- Rights and Duties of Councilmembers
 - Changes to declaration of conflict of Interest, impact on participation, and impact on voting.



Proposed Substantive Changes cont'd

- Rights of Participating Audience
 - Clarified the rights of the public for speaking at Council meetings
- Meeting Conduct (new section)
 - Clarified expectations regarding conduct in meetings
 - Disruptive behavior
 - Right to speak
 - Removal from Council Chambers
 - Penalties for disruption
- Public Speaking during In-Depth Sessions
 - Only upon approval of the presiding officer



Proposed Substantive Changes cont'd

- Open Meetings Law
 - Updated to reflect current Iowa Law
 - Added language regarding participation by the public via remote technologies

Next Steps

Depending on Council direction, City staff will bring forward a resolution to approve the recommended changes to the Rules of Council.

Direction Sought

Does the City Council have questions or feedback on the proposed changes to the Rules of City Council?

Does the City Council support moving forward with a request to approve the proposed changes to the Rules of City Council?

