



Roll Call Number

Agenda Item Number

.....
Date August 17, 2020

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AMENDING THE PROCEDURAL RULES OF THE DES MOINES CITY COUNCIL

WHEREAS, the Mayor and City Council believe in and wish to support thorough and robust public participation at City Council meetings; and

WHEREAS, criticisms and community feedback are supported and desired by the Mayor and City Council; and

WHEREAS, orderly and efficient conduct of meetings, including germane citizen input is essential to good and efficient government; and

WHEREAS, non-germane and disruptive conduct and behavior can actually limit or deny the free speech rights of other community members by preventing or delaying their opportunities to speak; and,

WHEREAS, Iowa Code Section 372.13(5) provides the City Council shall determine its own rules of its proceedings and Iowa Code Section 21.7 authorizes the City Council to make and enforce reasonable rules for the conduct of its meetings to assure those meetings are orderly, and free from interference or interruption from spectators; and,

WHEREAS, the Mayor and City Council wish to encourage citizen input while also conducting orderly and efficient meetings and amending the Procedural Rules of the Des Moines City Council is necessary to accomplish such objectives.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

That the PROCEDURAL RULES OF DES MOINES CITY COUNCIL are hereby amended to reflect the attached changes in the conduct of City Council meetings commencing with the Council meeting of August 17, 2020.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
VOSS				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

_____ Mayor

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

PROCEDURAL RULES OF DES MOINES CITY COUNCIL

Part I. General Provision

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

Rule 2. Technical Parliamentary Forms Abolished. Except as specifically required by these rules the Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms.

Rule 3. Matters Not Covered. Any matter or order or procedure not covered by these rules shall be referred to the presiding officer, who shall decide the matter with the assistance and advice of Corporation Counsel or his or her representative in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the presiding officer may be reversed by a majority vote of the Council.

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

Part II. Time and Place of Meeting

Rule 5. Regular Meetings. The City Clerk shall prepare an

annual schedule of Council meetings and forward it to the City Council, to adopt by resolution, at least 60 days prior to January 1 of each year. Regular meetings will begin at 4:30 P.M. in City Council Chambers. The Council may, by resolution, continue or postpone any regular meeting to another day and time, or may cancel a meeting. All regular meetings shall end by 9:00 P.M unless the Council by a 2/3 vote agrees that the meeting may continue. All hearings shall be scheduled for 5:00 P.M. the day of a regular meeting.

Rule 6. Special Meetings. Special meetings may be called by the Mayor or by any four Council Members. A call for special meeting shall be filed with the City Clerk in written form unless the announcement of the special meeting is made at a regular meeting at which all Council members are present. The call for the special meeting shall specify the day, hour and subject of the meeting and shall be posted at the door of the City Council Chambers.

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

Part III. Agenda

Rule 8. Preparation of Agenda. Prior to each regular Council meeting the City Clerk shall publish an Agenda which contains all

items the Council anticipates acting upon at the meeting. The Council may adopt the agenda as presented, or may amend the agenda as provided by these rules and may adopt the agenda as amended.

Rule 9. Consent Agenda. In preparing an Agenda the City Clerk shall separately designate items as "Consent Agenda" which may be acted upon by the Council under Rule 37. The "Consent Agenda" shall consist of routine non-controversial items which in the City Clerk's determination can be appropriately considered in bulk at the Council meeting.

Rule 10. Hearings, Permits and License Agenda. The Clerk shall prepare as separate portions of the Agenda a schedule of hearings and separate listing of requests for Permits and Licenses.

Rule 11. Agenda Deadline. Any member of the Council, the City Manager, Corporation Counsel and City Clerk may have an item included upon the Agenda by requesting the City Clerk to include the item by 5:00 P.M. on the Wednesday preceding the Council meeting.

Rule 12. Extra Items. Items requested or filed after 5:00 P.M. on the Wednesday preceding a Council meeting shall not be included upon the Agenda unless a Council Member shall deem the item of sufficient urgency to warrant immediate Council action. These items shall be designated as "Extra" items and will be

considered at the appropriate place on the regular Agenda (prior to or after a related item) or at the end of the regular Agenda. The City Clerk shall record on the item the name of the sponsoring Council member.

Rule 13. Sponsor Required. The City Clerk shall not place upon the Agenda any matter for reconsideration unless sponsored by a Council member who voted on the originally prevailing side or who was absent at the time of the original action.

Rule 14. Staff Withdrawal of Items. Only the City officer requesting the placement of an item on the Agenda may withdraw the item prior to the Council meeting, but in withdrawing the item shall state the reason therefore which reason shall be transmitted to the Council. An item withdrawn by the City Manager, City Clerk or Corporation Counsel may nonetheless, in the discretion of the Council, be acted upon in its regular order.

Rule 15. Council Action to Defer, Continue or Not Act. A member of the City Council shall not withdraw any item prior to the start of Council meetings, provided however, a Council member wishing Council to defer action or continue an item has a right to have a motion to continue, defer or not act on any item considered before any other action which Council may consider.

Rule 16. Citizen Agenda Requests. Any citizen may request to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to 5:00 P.M. on the Tuesday preceding regular Council meeting. All such requests shall be placed under a single item on the agenda, by lettered paragraph and limited collectively to no more than one-half hour in duration. Each item shall receive three minutes or the same amount of time as the presiding officer determines by dividing thirty minutes by the number of speakers, whichever is less. No other person may speak on any such item. Any item not addressed within the one half-hour time limit shall move in the same order to the next regular meeting's Agenda, with any new requests added to the end of the Citizen's Agenda item in the order received.

Part IV. Conduct of Meetings

Rule 17. Roll Call. Before proceeding with the business of the Council, the City Clerk shall call the roll call of members present, and enter those named in the minutes. The Clerk shall determine the presence of a quorum as required by law and these rules.

Rule 18. Call to Order. The Mayor or Mayor Pro Tem shall call the meeting to order at the appointed hour. In the absence

of the Mayor or Mayor Pro Tem the City Clerk shall call the meeting to order and a temporary presiding officer shall then be selected under Rule 19. The selected temporary presiding officer shall serve as successor Mayor Pro Tem for the meeting for purposes of Des Moines City Code Section 2-26 authorized to sign all measures passed and contracts approved at the meeting.

Rule 19. Presiding Officer. The Mayor, or in the Mayor's absence or incapacity, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. If both the Mayor and Mayor Pro Tem are absent the most senior Council member present shall preside. In the event two or more members equally possess the greatest seniority then the eldest person among them shall preside.

Rule 20. Control of Discussion. The presiding officer shall control discussion of the Council on each Agenda item to assure full participation by the Council in accordance with these rules.

Rule 21. Order of Consideration of Agenda. Except as otherwise provided in these rules, each Agenda item shall be considered in the numerical order assigned by the City Clerk. Each Agenda item shall be separately announced by the presiding officer, or City Clerk, for purposes of discussion and consideration. To announce an item it shall be sufficient to identify the item by the number assigned by the City Clerk, unless greater specificity

is requested by some person in attendance. This rule shall not apply to consideration of items under Rule 37 or Rule 38.

Rule 22. Discussion. A Council member shall speak only after being recognized by the presiding officer. A Council member recognized for a specific purpose shall limit remarks to that purpose. A Council member, after being recognized shall not be interrupted except by the presiding officer to enforce these rules.

Rule 23. Presiding Officer's Right to Enter into Discussion. The Mayor (or other presiding officer) as a member of the Council may enter into any discussion.

Rule 24. Limit on Remarks. Each Council member shall limit his or her remarks to a reasonable length.

Rule 25. Presiding Officer's Right to Speak Last. The presiding officer has the right to close debate and speak last on any item.

Rule 26. Closing Debate. Discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council. Except as provided by Rule 35, a call for the vote shall not close discussion if any member of the Council still wishes to be heard or the presiding officer determines the continued participation of citizens will be helpful to the Council.

Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council. Persons other than Council Members shall be permitted to address the Council only upon specific Agenda items.

Rule 28. Manner of Addressing Council. At each regular Council meeting, if any requests to speak have been received, a person desiring to address the Council shall step to the podium, state his or her name, address, and group affiliation (if any) and speak clearly into the microphone. If the meeting is entirely electronic, the person shall use the prescribed method for comments, but shall not speak on the same item more than once. If the meeting is not entirely electronic, then only those persons in attendance at the physical location of the meeting will be permitted to speak and only in accordance with these rules and the City Code. The person shall follow these rules and the direction of the presiding officer at all times.

Rule 29. Time Limit on Citizen's Remarks. Citizens shall be limited to no more than five minutes speaking time per Agenda item on which the public is allowed to speak, unless additional or less time is determined by the presiding officer. Total citizen in-

put on any subject under Council consideration can be further limited to a fixed period by the presiding officer. A majority vote of the Council may alter the time limitations of this rule.

Rule 30. Remarks of Citizens to be Germane. Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of citizen comments. Citizens making personal, repetitive slanderous or disruptive remarks or engaging in any action that otherwise impedes the orderly conduct of a council meeting shall not be recognized by the presiding officer from further comment before the Council during the remainder of the meeting. Persons who make or attempt to make non-germane remarks on more than one item shall not be recognized by the presiding officer during the remainder of the meeting.

Rule 31. Matters Not on the Agenda. The Council may in its discretion allow citizens who wish to raise a matter not on the Agenda and who have not filed a request under Rule 16 to address the Council at the end of the regular Agenda.

Rule 31A. Failure to Follow Council Rules. To enable the Council to transact the business of the City and conduct efficient meetings, persons other than Council members who fail to follow the direction of the presiding officer on more than one occasion

during a Council meeting shall not be recognized by the presiding officer during the remainder of the meeting.

Part VI. Council Action

Rule 32. Motion Required. All action requiring a vote shall be moved by a member of the Council.

Rule 33. Motion to Reconsider. A motion to reconsider must be made by a Council member who was on the prevailing side in the original action or by a Council Member absent at the time of the original action. The sponsoring of the reconsideration of a matter by the Mayor, or other presiding officer, has the effect of a motion to reconsider.

Rule 33A. Rule 33 of these Rules notwithstanding, when less than seven members of the Council are in attendance at a meeting and an Agenda Item fails to receive four affirmative or negative votes then the Agenda Item shall, upon the request of any Council member in attendance at the meeting, be placed by the Clerk on the Agenda for the next Council meeting, and continued thereafter upon the Agenda for subsequent meetings until it shall receive four affirmative or negative votes. In the event an Item continued under this rule is consideration of an ordinance, the ordinance shall not be considered to have been read or considered for its first or any subsequent passage unless it shall receive four

affirmative votes.

Rule 34. No Motions by Presiding Officer. DELETED by City Council Roll Call 99-525 of February 22, 1999.

Rule 35. Call for Vote. At the conclusion of debate the presiding officer shall call for a vote, provided however, a majority of the Council may require a vote at any time.

Rule 36. Separate Consideration. Except as otherwise required by these rules each Agenda item shall be voted upon separately by electronic means and each separate vote shall be recorded by the City Clerk.

Rule 37. Action on Consent Agenda. Except as herein provided the "Consent Agenda" shall be considered in bulk and voted upon in single motion. Each Council Member shall separately note upon a form provided by the City Clerk any matter on the "Consent Agenda" upon which he or she wishes to speak or to vote no. At the time of consideration of the "Consent Agenda" the presiding officer shall announce the items upon which Council members have indicated they wish to speak or vote no, the presiding officer shall also ask if any person in attendance wishes to speak upon any single item, which Council may remove upon majority vote; items upon which any Council Member wishes to speak, or items upon which a citizen wishes to speak which have been removed from the consent agenda by

majority vote, shall be considered separately and not as a portion of any motion calling for action upon the remainder of the "Consent Agenda". The City Clerk, on all matters contained in the "Consent Agenda" shall record the yes and no votes on each item separately as if each item had been moved and voted upon separately. Rule 21 shall not apply.

Rule 38. Action to Multiple Items. With the consent of a majority of the Council, Rule 36 hereof notwithstanding, the Council may consider for voting purposes more than one item, but in such event the vote upon each item will be separately recorded by the City Clerk noting specific yes or no votes of each Council member on each item.

Rule 39. Consideration Out of Order. With the consent of the Council any Agenda item may be considered out of order at the request of a Council member.

Rule 40. Recording Names of Moving Members. The City Clerk shall record the name of the Council Member making each motion.

Rule 41. Consideration of Matters Not on Agenda. Except as to matter which by law require the publication of notice before

consideration by the Council any member of the Council may, at the close of the regular Agenda, bring a matter not on the Agenda to the Council's attention. Council may act upon such matters as permitted by law or direct such matter be included upon a later Agenda.

Part VII. Miscellaneous

Rule 42. Motions. At any appropriate place on the Agenda any member of the Council may make a motion for the Council to act upon any matter if the motion is germane to the matter under consideration.

Rule 42A. Waiver of Ordinance Readings.

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

"Moved by (insert the moving Council member's name) that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass."

or may move waiver and suspension by reference to the language of

this section to be known as "the waiver rule".

Rule 43. Applicability of Rules. These rules shall apply to the Council when meeting in any form including such times as it acts as the Municipal Housing Agency Governing Board.

Rule 44. Name of Sponsor on Roll Call. Any time these rules require an action to be sponsored by a Council member the City Clerk shall note the name of the sponsoring Council member on the face of the roll call for said item.

Rule 45. Suspension of Rules. These rules or any part hereof, may be suspended for a specific purpose by a two-thirds majority of the Council.

Rule 46. Hearings. Any other rule to the contrary notwithstanding, unless required by statute or necessary to conform to proceedings required for a special purpose, a hearing shall commence when declared open by the presiding officer and shall close when closed by the presiding officer or by other formal action of the Council. Any member of the public who fails to follow these rules during any hearing process shall not be recognized by the presiding officer during the remainder of the meeting.

Rule 47. Informal Requests. A member of the Council, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations or the

opinions of the City Manager, Corporation Counsel, City Clerk or any City employee.

ADOPTED: June 15, 1987
Roll Call 87-2608

AMENDED: July 6, 1987
Roll Call 87-2935

AMENDED: December 19, 1988
Roll Call 88-5402

AMENDED: April 3, 1989
Roll Call 89-1418

AMENDED: June 26, 1989
Roll Call 89-2786

AMENDED: November 18, 1991
Roll Call 91-4922

AMENDED: January 2, 1996
Roll Call 96-88

AMENDED: November 16, 1998
Roll Call 98-3477

AMENDED: February 22, 1999
Roll Call 99-525

AMENDED: May 9, 2005
Roll Call 05-1189

AMENDED: September 23, 2013
Roll Call 13-1484

Attachment: Electronic Meetings

May 21, 1986

WHEREAS, electronic participation by absent City Council members fully comports with the policy considerations underlying Chapter 21 of the Iowa Code, the Iowa Legislature's Open Meetings Law, the purpose of which is to assure that the City's decision making occurs in public session to which all members of the public are afforded participatory access to the extent reasonably possible; and

WHEREAS, there are many issues where because of the statutory voting requirements, or the importance of the subject matter to the public, it is necessary or desirable to arrange for participation of as many of the council members as possible even through a majority but not all members can be physically present at the meeting; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa:

That it shall be the local rule of this City Council to secure electronic participation by absent members whenever it is physically feasible where such participation is necessary or desirable because of statutory voting requirements or the importance of the subject matter to the public.

Moved by Szymoniak to adopt.

FORM APPROVED:
Nelda Barrow Mickle
Acting Corporation Counsel