



Roll Call Number

Agenda Item Number

33

Date December 18, 2017

A RESOLUTION APPROVING COUNCIL POLICY FOR CONSIDERING PUBLIC REQUESTS FOR RESOLUTIONS OR OTHER COUNCIL ACTION

WHEREAS, the City frequently receives requests regarding legislation, regulatory or other intergovernmental issues, or in support or opposition to particular societal issues that do not directly relate to providing city functions or services, may be without broad community support and merely advance the goals or positions of particular special interest groups; and

WHEREAS, the Council generally wishes to take positions only on those issues on which Council can have direct impact on the provision of City services or where City expenses or revenues are directly in play; and

WHEREAS, nothing in the policy should be read as limiting or otherwise interfering with the right of citizens to approach and address Council on matters of public concern and Council acknowledges and welcomes such citizen contact.

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

That the City Council hereby adopts the attached Policy for Considering Public Requests for Resolutions or Other Council Action per the terms of the Policy on file in the City Clerk's office and directs the City Manager to implement such policy going forward.

Moved by _____ to adopt.

Approved as to form:

Handwritten signature of Jeffrey D. Lester, City Attorney

Jeffrey D. Lester, City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, WESTERGAARD, MOORE, and TOTAL.

MOTION CARRIED APPROVED

CERTIFICATE

I, DIANE RAUH, 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.

Mayor

City Clerk

COUNCIL POLICY FOR CONSIDERING PUBLIC REQUESTS FOR RESOLUTIONS OR OTHER COUNCIL ACTION

PURPOSE: To establish policies, guidelines, and procedures for responding to public requests for resolutions or other Council actions.

BACKGROUND: The City is frequently asked to take a position regarding legislation, regulatory or other intergovernmental issues, or in support or opposition to particular societal issues that are not directly related to the provision of city functions or services to the public and merely advance the goals or positions of particular interest groups. In some circumstances, the City may have a position that correlates to the requesting group, in others, there may be no direct impact or relationship to the provision of City services. Often times, these requests are for positions that would be controversial, political in nature, relate to foreign policy or national policy concerns or that do not enjoy a high level of shared community interest. The City Council is mindful that actions taken by regional, state and federal officials can often have a direct and serious impact on the City and its provision of services. As such, it remains beneficial for the City to be actively engaged with all governmental agencies, but taking a position without an ability to actually directly impact the stated topic can reduce the City's effectiveness in advancing the City's desired objectives or dilute the efficacy of the City's message relative to other policy issues.

POLICY: Given the frequency, depth and breadth of requests to the City Council to take positions on particular issues, the City Council generally believes that resolutions should only be considered on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item to take substantive action, as opposed to general policy declarations that do not directly pertain to the operations of the City on behalf of its residents.

Although citizens always retain the right to address Council consistent with other policies or rules already in place, requests for resolutions or other Council action that relate to foreign policy or national policy concerns, or that likely would not enjoy a high level of community interest and support, or requests with little or no direct impact or relationship to the provision of City services, are discouraged without broad community and stakeholder input and support demonstrated. Nonetheless, the Mayor retains the right to issue or decline to issue a proclamation on such matters, which individual Council members are then free to support or not support. All Council action requested must advance City objectives, such as directly impacting delivery of services to its citizens. It is the requestor's obligation to provide the basis and documentation for how the resolution would advance city objectives. In particular, for Council action to be requested, the requested action must be action that directly impacts the delivery of services or the protection and preservation of the rights, privileges, and property of the City and its residents or businesses.

The City of Des Moines retains the sole and exclusive right to decide if the resolution or request for City action will be submitted to the City Council for consideration or not. The City retains the right to modify, edit, or otherwise amend the proposed resolution to meet its requirements, needs, or policy determinations or to refuse any such request in whole or in part.

The City will consider the following criteria concerning any such request, including without limitation:

1. The person(s) making the request should be a Des Moines resident(s), business owner or property owner; and
2. The request should be made at least four weeks in advance of a regularly scheduled Council meeting; and
3. The request directly impacts the City of Des Moines and its delivery of functions or services to its citizens; and
4. The request has demonstrated broad community support, and
5. The request will protect or increase local revenues, or
6. The request will protect or increase local control, or
7. The request will protect or increase funding or otherwise benefit specific programs or services provided by the City of Des Moines, or
8. The request is opposing an unfunded mandate, or
9. The request is consistent with past City policy or past action.

PROCEDURE: Any request for a resolution or other City action taking a position on a particular issue or topic shall be submitted to the City Clerk, who shall forward such request to the City Manager and Deputy City Manager. If received by the Mayor or a Council Member, the Mayor or Council member will then forward the request to the City Clerk, who shall also forward it to City Manager and Deputy City Manager. The City Clerk, City Manager and Deputy City Manager will then make an initial determination whether the request is compliant with criteria of this policy, and if compliant, shall place the request on the Council agenda for Council consideration to receive and file or direct the City Attorney to create a resolution in approved City form at a specified future Council meeting. If the City Clerk, City Manager and Deputy City Manager determine the request is non-compliant with the criteria of this policy, they shall inform the person(s) making the request and shall state the reasons for the determination of non-compliance.

If the request is determined by the City Manager, City Clerk and Deputy City Manager to be non-compliant with the criteria of this policy, then the requester may file a request to speak to Council consistent with Council rules. In determining whether to consider a request or not, Council shall not require action on a request that is non-compliant with the criteria of this policy, unless Council expresses a willingness for the City Manager to allocate sufficient staff time and resources to assure a full presentation of the issue to Council. If Council decides to require action on the request, then Council shall direct the City Attorney to create a resolution in approved City form at a specified future Council Meeting.