



Roll Call Number

Agenda Item Number

II

Date January 8, 2024

AMENDING THE PROCEDURAL RULES OF THE DES MOINES CITY COUNCIL

WHEREAS, the Mayor and City Council wish to conduct orderly and efficient meetings and to have items of significance before the City Council where discussion is needed and appropriate; and,

WHEREAS, the Mayor and City Council wish to encourage conducting of the meetings in an appropriate fashion to ensure that Des Moines residents and Des Moines property owners and taxpayers are given opportunities to speak within the rules; and,

WHEREAS, the Mayor and City Council wish to increase the opportunity for public speaking at Council meetings to make sure its residents and Des Moines property owners and taxpayers are heard in detail; and

WHEREAS, 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 by amending the rules specified in the attached changes in the conduct of City Council meetings commencing after adoption and approval of these amendments.

Moved by _____ to adopt.

Second by _____

APPROVED AS TO FORM:

/s/ Jeffrey D. Lester

Jeffrey D. Lester
City Attorney

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

CERTIFICATE

I, Laura Baumgartner, 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.

MOTION CARRIED APPROVED

Mayor

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 ensure 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 5:00 P.M. in City Council Chambers. The Council may, by resolution or motion, 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 the later of 5:00 P.M. the day of a regular meeting or after the Consent Agenda concludes, including public comment on the Consent Agenda, and shall commence promptly at the conclusion of the Consent Agenda and prior to consideration of any item removed from the Consent Agenda or any other Agenda item unless the presiding officer or the Council otherwise directs.

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 Tuesday preceding the Council meeting. If the item is requested by a Council Member, it shall first be

recommended for inclusion to the City Manager by a majority of the Council prior to inclusion on the Agenda consistent with Iowa law, otherwise it shall not be included. If the Mayor is the requesting Council Member, the item shall be included on the Agenda without needing other Council Member recommendation. If a majority of the Council decline to recommend including the requested item at the meeting at which it is first requested, then after that meeting occurs, the requesting Council Member may make a second request for inclusion on the Agenda for the next regular meeting. If the item is again not recommended for inclusion on the Agenda by a majority of the Council, the item shall not be placed on the Agenda to be considered by the full council until at least four council members have indicated a desire to the City Manager for it to be placed on the Agenda for Council review or inclusion of the proposed item at a future Council Workshop.

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 requirements of Rule 11 shall also apply to Extra Items requests. 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. Des Moines Residents, Property Owners and City Taxpayers Requests to Speak. Any City resident, property owner or

taxpayer may request to speak on a regular Agenda by filing such request in writing with the City Clerk on or after the date ten days preceding a regular Council meeting but prior to 5:00 P.M. on the ~~Tuesday-Sunday~~ preceding a regular Council meeting. Speakers may provide written materials to Council for review at the Council meeting, subject to Council's acceptance. Video and audio materials may not be played or otherwise utilized at or during the Council meeting. Such materials shall be provided to the City Clerk upon submitting the request required under this Rule 16 so that the Clerk may arrange for the City's Information Technology staff to scan any such materials for viruses or other issues. Once such materials are scanned and determined safe, Information Technology will then notify Council that the item(s) are available for Council to review at Council's convenience. All such speaker requests, up to a maximum of ~~thirty-twenty~~ items, shall be placed under a single item number, but last on the agenda, by lettered paragraph and limited collectively to no more than sixty minutes in duration. Each item shall receive up to ~~two-three~~ minutes time and shall not be recalculated or additional speakers recognized if the time used by any speaker is less than ~~two-three~~ minutes or the collective time for all speakers is less than sixty minutes. No other person may speak on any such item. Any requested item not included on

the agenda due to the collective time limit and maximum number of items specified herein being exceeded, shall, subject to such time limit and maximum number of items applied to each Agenda for a subsequent regular meeting, move in the same order received by the City Clerk to the Agenda for the next regular meeting or, as necessary, the Agenda for the next subsequent meeting(s), with any new timely requests added to the end of the list of pending speaker items in the order received. Any person may have no more than one speaker item request pending at a time and the City Clerk shall not accept a new request from a person that has a request pending.

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 one's address, and group affiliation (if any) and speak clearly into the microphone. In lieu of providing a current residential address at the time of speaking during any non-public hearing item at the meeting, a person may provide one's address via email, written mail, or other writing to the City Clerk on or after the date ten days preceding the meeting but prior to 3:00 P.M. on the day of the meeting at which the requester desires to speak. If the person has provided a current address to the City Clerk as required herein and the City Clerk has verified this address, then the person desiring to speak shall only be required to provide one's name, zip code and ward residency at the time of speaking. If an address is not verified by the City Clerk, then the person submitting the request shall not be recognized to speak. At all public hearings, however, each speaker at each hearing that is a party in interest shall be required to provide one's name, address, and group affiliation (if any). All other speakers may, if an address previously was provided to the City Clerk, only be required to provide one's s name, zip code and ward residency at the time of speaking. 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~~two 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, with the expectation that most non-zoning hearings will be concluded within ten minutes or less and most zoning hearings will be concluded within twenty minutes or less. Such expectation shall be noted on each Agenda item. 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 during the remainder of the meeting. To ensure the meeting is conducted orderly and free from interference or interruption, the presiding officer is vested with exclusive discretion to review and determine whether remarks or actions meet any prohibited terms of this rule. Without limitation, arguing with the presiding officer about any determination will be considered per se disruptive. Persons who make or attempt to make non-germane remarks during any portion of the meeting shall not be recognized by the presiding officer during the remainder of the meeting.

Rule 31. Matters Not on the Agenda. The Council may in its discretion and only upon an affirmative vote of a majority of Council 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 and seconded by a different Council Member. Any motion not seconded by a different Council Member shall be deemed failed by the presiding officer.

Rule 33. Motion to Reconsider. A motion to reconsider must be made by a Council Member and seconded by a different Council Member, both or either of whom were either on the prevailing side in the original action or were absent at the time of the original action. The sponsorship 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 a 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. No Council Member may speak on more than four items without the approval of a majority of the council. 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. Members of the public may not request

to remove any consent item. Any four or fewer items upon which any one Council Member wishes to speak, or items exceeding four upon which any one Council Member has requested to speak and which have been approved by majority vote, shall be removed from the "Consent Agenda" and 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, seconded and voted upon separately. Rule 21 shall not apply. Nothing in this rule shall be construed to prohibit a City resident, taxpayer, or property owner from contacting a Council Member prior to the meeting to request that the Member speak and remove an item from the "Consent Agenda".

Once the Consent Agenda has been presented to Council, the public shall have up to fifteen (15) minutes total at up to three (3) minutes per speaker for germane comment on Consent Agenda items only.

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 and the name of each Council Member who provides the second to the motion. If there is no second, the motion fails.

Rule 41. Consideration of Matters Not on Agenda Except as to matters 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 by making a motion to discuss the matter. If the motion is not seconded, or if seconded but not approved by a majority of the Council for discussion, the motion shall be considered failed, and the matter shall not be discussed further. 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 followed by a second by a different Council Member for the Council to act upon any

matter if the motion is germane to the matter under consideration. Any member of the Council may make a motion to recess or adjourn the meeting followed by a second by a different Council Member at any time during the meeting for any reason.

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 or paraphrasing 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". Either motion shall require a second by a different Council Member or shall be considered to have failed.

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

AMENDED: August 17, 2020
Roll Call 20-1300

AMENDED: November 9, 2020
Roll Call 20-1738

AMENDED: May 10, 2021
Roll Call No. 21-0662

AMENDED: May 24, 2021
Roll Call No. 21-0796

AMENDED: June 28, 2021
Roll Call No. 21-0944

AMENDED: October 18, 2021
Roll Call No. 21-1530

AMENDED: January 24, 2022
Roll Call No. 22-0078

AMENDED: January 23, 2023
Roll Call No. 23-0081

AMENDED: April 24, 2023
Roll Call No. 23-0560

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