

CITY OF MARSHALLTOWN, IOWA

Council Manual

Rules and Procedures

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AUTHORITY

Iowa Code Section 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 Marshalltown. Direct references to the law are not made throughout the document but are noted as the authority being followed. Chapter 22 of the Code of Iowa is the Iowa Open Records Law, which is also a governing law of public records of the City of Marshalltown.

INTERPRETATION OF THE RULES OF PROCEDURE

The City Attorney shall act as parliamentarian and rule on any questions regarding the application or interpretation of these rules and procedures. In the absence of the City Attorney, the City Administrator shall be considered the final authority on the rules of procedure for the conduct of City Council business. Any good faith, non-intentional error in the application of these rules shall not void any public action taken if, notwithstanding the good faith, non-intentional error, the action taken otherwise complied with the Marshalltown Code of Ordinances and the Iowa Code.

RULE ENFORCEMENT

The presiding officer, whether it be the Mayor, Mayor Pro Tem or Acting Mayor Pro Tem, shall enforce these rules and procedures. Any Council member who believes the presiding officer is failing to enforce the rules may call attention to it by making a point of order referencing the Rule or Procedure the Council member believes is applicable. The raising of a point of order has the effect of requiring the presiding officer to make a ruling on the question involved and, if appropriate, to enforce the applicable rule.

Unless otherwise specified by law or these rules, all business will be conducted by the majority rule of those present and voting.

Following any adverse ruling on a point of order, any Council member may move to appeal the decision of the presiding officer and, in so doing, state the appropriate action which the Council member believes should have been taken. If this motion receives the required second, the City Council may, by majority vote, adopt the alternative ruling stated in the motion.

SUSPENSION AND AMENDMENT OF THESE RULES

These rules may be temporarily suspended by a vote of two-thirds of all Council members, or the unanimous consent of all the Council members present if fewer than five are present.

Temporary Suspension.

These rules may be temporarily suspended by the unanimous consent of all the Council members present, or by a vote of two-thirds of all the Council members. The vote on any such suspension shall be taken by “yeses” and “nos” and entered upon the record.

Amendment of These Rules.

These rules may be amended or new rules adopted, by a majority vote of all Council members and shall, at a minimum, be reviewed every two (2) years.

Supplemental Rules.

The current edition of Robert’s Rules of Order is adopted to supplement these rules, if not in conflict with these rules. However, any good faith, non-intentional error in the application of Roberts Rules of Order shall not void any public action taken if, notwithstanding the good faith, non-intentional error, the action taken otherwise complied with the Marshalltown Code of Ordinances and the Iowa Code.

CITY GOVERNMENT STRUCTURE**Mayor.**

The Mayor is the chief executive officer of the City and carries out the responsibilities specified in the Code of Ordinances. When present, the Mayor is the presiding officer at meetings of the City Council. The Mayor has veto powers authorized by the Iowa Code. The Mayor appoints all board and commission members as provided for in these rules. The roles of these committees are detailed in the Board and Commission Manual, which is consistent with Iowa Code § 372.14.

Mayor Pro Tem.

The Mayor Pro Tem is vice president of the City Council. When the Mayor is absent or unable to act, the Mayor Pro Tem shall perform the Mayor’s duties. The Mayor Pro Tem retains all of the powers of a Council member while performing the duties of the Mayor.

City Council.

The City Council is the legislative body elected by the citizens of Marshalltown to make laws and policies for the community. The Council approves the budget and determines the tax rate, among other required duties set forth in the Iowa Code and Code of Ordinances. The Council is responsible for major issues, such as community growth, land use development, capital improvement plans, capital financing, and strategic planning. The Council appoints the City Administrator, who is tasked under the Code of Ordinances with the supervision of the City staff and with carrying out most day-to-day functions of the City government when the Council is not in session. The Council supervises and evaluates the City Administrator’s performance.

The role of a City Council member is similar to being a member of the board of directors of a large business. The City Council provides a focal point or the conscience of the community. It is not the job of Council members to become directly involved in the daily operations of the City. The City Administrator and the Department Directors are responsible for overseeing the implementation of services. The Council sets the level of services and the policies by which the City operates.

City Administrator.

The City Council shall select a City Administrator, who serves as the Chief Administrative Officer and shall evaluate his or her performance on a routine basis. The City Administrator shall work with, coordinate and supervise the Department Directors who have the knowledge, ability, and expertise to manage their departments, including day-to-day operations, personnel supervision and assignment, expenditures within the limitations of the City budget, the administration of laws, rules and regulations applicable to their departments, and staffing. Except for the purposes of fact-finding, City Council members shall deal with the administrative agencies of the City through the City Administrator.

MAYOR'S DUTIES**Chairperson.**

The Mayor, when present, shall act as presiding officer of all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall act as presiding officer. In the absence of both the Mayor and the Mayor Pro Tem, the longest-serving Council member, including all combined terms and years of service on the Council, shall act as presiding officer.

Substitution Procedure for Presiding Officer.

In the case of the Mayor's absence or recusal due to conflict of interest, the Mayor will call on the Mayor Pro Tem, or the longest-serving Council member then present and available, to temporarily preside over the meeting. Said temporary arrangement shall not continue beyond adjournment, or cessation of discussion of the matter requiring recusal.

Council Rules.

These rules, including any amendments to these rules which may be made from time to time, shall be effective when adopted by a majority vote of the entire Council.

Call to Order.

The meetings of the Council shall be formally called to order by the presiding officer.

Right of Floor.

Any Council member desiring to speak shall be first recognized by the Mayor unless requested to be recognized or seconding a motion. Council members shall confine their remarks to the subject under consideration.

Order and Decorum.

The presiding officer shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council. The presiding officer shall ensure that debate and discussion of an agenda item focuses on the item and the policy in question. The presiding officer shall abide by the following rules when controlling discussion:

- a) Debate on policy is healthy and necessary, but ad hominem criticisms of other Council members is not. The Mayor has the right to stop discussion which is personal in nature, abusive, unduly loud, inappropriate, repetitive, or excessively

time-consuming.

- b) One person shall have the floor at a time, and the speaker shall be recognized by the presiding officer before proceeding to speak.

Veto Authority.

While the Mayor does not get to vote on matters before the City Council, the Mayor does have the authority to veto a resolution, ordinance or amendment to an ordinance within 14 days after the Council passes it. The mayor must give the council a written explanation of the reasons for the veto at the time of the veto. The Mayor cannot veto a simple motion. Within 30 days after the veto, the council may re-pass the resolution, ordinance or amendment with a two-thirds vote of the Council.

ROLE OF CITY STAFF AT COUNCIL MEETINGS

City Administrator.

The City Administrator or designee shall attend all meetings of the Council unless excused by the Mayor. The City Administrator shall make recommendations to the Council when appropriate, either in writing prior to the meeting, or orally as necessary during the meeting.

City Attorney.

The City Attorney shall attend all closed session meetings of the City Council. The Mayor and City Administrator shall determine other instances when the City Attorney shall be required to attend a Council meeting in-person or virtually. When present, the City Attorney shall act as the Council's parliamentarian.

City Clerk.

The City Clerk or designee shall attend all meetings of the Council, unless excused by the Mayor or the City Administrator, and shall keep the official minutes and perform such other duties at the meeting as may be requested by the Council.

City Employees.

Department heads or other designated employees of the City shall attend those Council meetings where an item on the agenda may require some departmental explanation, unless excused by the Mayor or the City Administrator.

TYPES OF MEETINGS, NOTICE, PROCEDURES

Notices of, and agendas for, all meetings of the City Council meetings shall be given in compliance with the requirements of Iowa Code Section 21.4. Meeting notices shall be posted by the City Clerk, or designee, at least twenty-four (24) hours prior to the meeting.

The City Council meeting agenda and pertinent packet information shall be posted on the City's website, www.marshalltown-ia.gov. The Mayor and Council members should contact the City Clerk with any routine questions concerning the agenda prior to the meeting. Questions regarding policy

issues on the agenda and clarification of action items should be directed to the City Administrator ahead of the meeting, whenever possible.

All official meetings of the Council shall be open to the public, except those legally designated as closed sessions. Regular Council meetings shall be held in a building or room that is accessible to persons with disabilities, which shall normally be the Council Chambers at the Marshalltown City Hall, located on the second floor of the building at 10 West State Street. For Council meetings held in part or in whole at other locations for any purpose, that meeting space shall be accessible to persons with disabilities to the maximum extent possible. Special arrangements for the hearing impaired, or for interpreters, will be considered upon request to the City Clerk's Office.

Regular Meeting.

The regular Council meetings will be held the second and fourth Mondays of every month. Meetings will commence at 5:30 p.m., unless the Council directs otherwise. When the regular meeting date is a holiday, the meeting will be held at 5:30 p.m. on the following day or at such other time.

Work Sessions.

The Council may meet informally as needed in work sessions which are open to the public. Starting times will be dependent on the number of items scheduled for discussion. The purposes for work sessions include, but are not limited to, budget sessions, joint meetings, reviewing upcoming programs, receiving progress reports on current programs, receiving information from the City Administrator or discussing other matters of concern. No formal action on any item may be taken at a work session, but matters may, by motion, be placed on the agenda for a later City Council meeting.

Items may be placed on the work session agenda by the City Administrator, Mayor or a Council member. The City Attorney or other City staff may place items on the agenda if approved by the City Administrator. Agenda items must be submitted at least five (5) days prior to the scheduled work session. No public comment shall be permitted during a work session unless public comment is specifically called for on the agenda, or unless solicited by the presiding officer.

Special Meetings.

Special meetings of the City Council may be held if called by the Mayor, with the required public notice under Chapter 21. In such cases, the Mayor shall provide written notice to each Council member by email or other appropriate means. The cost of calling a special Council meeting for approval of a permit, license or similar instrument is \$500.00 and shall be the responsibility of the petitioner unless waived by the Mayor or City Administrator.

Budget Process.

Annually, the City Council works with staff to review and adopt a budget for the next fiscal year. The budget process typically requires meetings outside of the regular City Council meetings to cover the different funds and topics necessary. The Finance Director will work with the Mayor and Council to bring forth a budget calendar near the end of each calendar year to ensure open communication about meetings outside the regular meeting times.

Open Session.

Except as provided in the Iowa Code, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.

Closed and Exempt Sessions.

Iowa Code Section 20.17 permits public bodies to hold exempt sessions (i.e., not subject to the Open Meetings Law) to discuss collective bargaining with their bargaining representatives. Iowa Code Sections 21.5 and 21.9 permit closed sessions for certain limited, and narrowly defined, reasons. A vote to go into a closed session requires an affirmative vote of either two-thirds (2/3) of the Council members or all of the Council members present at the meeting. No ordinance, resolution, motion or other formal action may be taken in closed session.

In the case of any exempt or closed session, the agenda shall be drafted with the assistance of legal counsel to state the specific statutory basis under which the closed session will be held. The City Attorney or other legal counsel shall provide, in writing, the legal basis for the closed session and provide the same to the Mayor and Council prior to the meeting or, in the alternative, the City Attorney or outside legal counsel shall attend the meeting and state publicly the basis for the closed session. The written or oral opinion shall specify the particular Iowa Code section which allows the exempt or closed session and a short statement of why the subject matter to be discussed in closed session makes the section applicable. The Council shall not enter closed session until this opinion is provided.

PUBLIC ACCESS AND PARTICIPATION

One of the goals of the City Council rules is to create an atmosphere of efficiency, fairness and maximum participation. It is the responsibility of the Mayor, Council members, City staff and members of the public to maintain common courtesy and decorum throughout any meeting. The Mayor, Council members, City staff, and members of the public should speak one at a time in a civil and courteous manner to be heard by all persons in attendance.

All official meetings of the City Council shall be open to the public and the media. All meetings may be recorded by radio, television, and photographic services at any time provided that such arrangements do not interfere with the orderly conduct of the meetings.

Members of the public have the right to attend City Council meetings, subject to the need to maintain order and space limitations. The City Council meeting space will, to the extent possible, be arranged so that all interested persons can observe the meeting and hear all Council discussions and votes. All cell phones or other communication devices should be silenced during City Council meetings. No one should take a voice phone call during a Council meeting without first leaving the Council chambers and closing the chamber doors.

In the event that the State of Iowa and/or the City implement closure requirements or restrict in-person access to a meeting, the City will utilize an electronic meeting service, like GoToMeeting, for the public to participate in a City Council meeting. An electronic meeting service will not be a method for the public to participate if City Council Chambers are open to the public with no restrictions.

In addition to attending the meeting in person, the public can access a live stream of the City Council meetings by going to <https://www.marshalltown-ia.gov/731/City-Council-Meetings>. The archive of past Council meetings available on YouTube is also available on this webpage.

Rules of Public Participation.

All persons attending are asked to observe the following when speaking:

- a) Only persons recognized by the Mayor will be allowed to speak. During public hearings or at other allowable times, members of the public will not address items on the agenda unless and until recognized by the presiding officer.
- b) A person recognized to speak should approach the podium, state his or her name and address, and make his or her statement as brief as possible. Speaking times are limited to three (3) minutes.
- c) All speakers shall speak clearly and direct their comments to the Mayor and City Council as a whole and not to any Council member specifically.
- d) A person recognized to speak should maintain a courteous and polite demeanor, as well as refrain from using inappropriate, combative, profane, or abusive language, or attacking the character of City officials and employees in a personal manner.
- e) Persons may address the City Council for the reading of protests, petitions or communications relating to any matter over which the Council has jurisdiction. When anyone appears before the City Council stating he or she has a petition, the Mayor will accept the petition and the minutes will reflect that action.
- f) A person should not address the City Council about issues that are known to be within the responsibility of other City staff/officials and have not been previously presented to that responsible party.
- g) Persons should not engage other members of the public while addressing the City Council or engage individual Council members in a discussion, except as permitted by the Mayor.
- h) The Mayor and City Council are not permitted to respond to or engage in debate or discussion concerning subjects raised by members of the public which are not on the posted agenda. Council members may, in their individual discretion, make themselves available to persons attending the meeting before or after the City Council meeting.

AGENDA PREPARATION

Agenda Deadline.

Except in cases of pressing need or emergency, no business may be submitted for placement on the regular Council agenda after 12:00 p.m. of the 5th day (Wednesday) prior to the meeting day.

Items may be placed on the agenda by the City Administrator, Mayor, or a Council member. The City Attorney or other City staff may place items on the agenda if approved by the City Administrator. When a holiday falls on a Friday, the City Clerk may revise the agenda cutoff time and shall, with the concurrence of the City Administrator, notify all staff, the Mayor and Council members of the same.

Agenda and Agenda Packet Preparation.

The Mayor, City Administrator, and City Clerk are responsible for the preparation of the agenda and packet. Council members should promptly review their packets and contact the City Administrator if there are any questions regarding the information. The Mayor or City Administrator, after considering any requests for agenda items, shall approve the tentative agenda. Any request for an agenda item from the general public shall not be placed on the agenda unless and until timely requested by the Mayor or City Administrator. Staff may also place on the agenda items brought forward by the public if approved by the City Administrator.

Council members should, whenever possible, avoid using Council meeting time as a fact-finding exercise. Council members are instead encouraged to consult with the City Administrator ahead of the meeting to clarify any packet materials that are unclear. Meeting time should be used, as much as possible, for bona fide debate of public matters, rather than fact gathering which could have been accomplished with due diligence before the meeting.

Agendas for public meetings shall be posted at City Hall – 24 North Center Street ADA entrance. Individuals signing up for notifications on www.marshalltown-ia.gov will be notified as soon as an agenda is posted. Elected officials, city staff and the public will need to access the agenda on the City’s website, as paper copies are no longer distributed.

Withdrawn Items.

Agenda items may be withdrawn by either the Mayor or the City Administrator prior to agenda distribution. Further, under circumstances where unforeseen problems are discovered with an agenda item after distribution of the agenda, the agenda may be modified as necessary by the Mayor.

Consideration of Emergency Matters.

If, under Iowa Code 21.4(2), and after conferring with the City Attorney, the City Council determines by majority vote that an emergency exists, agenda items may be added without twenty-four (24) hours’ notice to the public. In such cases, the reasons for said emergency shall be noted in the minutes and, particularly, the reasons why the Council determined the items could not reasonably be deferred to a later meeting. Such action should rarely occur, and only when the Council believes irreparable harm may or will likely occur if action is not taken immediately.

ORDER OF BUSINESS

The order of business shall be as contained in the agenda. The order of business may also be changed by a majority vote of Council members present, for reasons of efficiency. Reasons of efficiency include, but may not be limited to, the convenience of persons attending the meeting, the lateness of the hour, and similar concerns.

Meetings shall normally be conducted in the following order:

- a) CALL MEETING TO ORDER
- b) PLEDGE OF ALLEGIANCE
- c) ROLL CALL
- d) PUBLIC COMMENT. Members of the general public may, during the allotted timeframe on the meeting agenda, make comments on any item that was not on the agenda. The proposed speaker shall, after being recognized by the presiding officer, approach the microphone, and state his or her name and address. Comments shall be limited to three minutes unless a longer comment is authorized by the presiding officer. The speaker shall direct comments to the presiding officer and the Council as a whole. The presiding officer and Council members shall not engage in discussion or debate on items raised by members of the public. No action may be taken on items raised in public comments.
- e) COMMENTS BY THE MAYOR, COUNCIL MEMBERS, CITY ADMINISTRATOR AND PRESENTATIONS. Informational, explanatory, or educational comments by the Mayor, Council members and City Administrator that do not require any action. These comments may also include announcements of events, welcoming special guests or recognition of an achievement.
- f) CONSENT AGENDA. The consent agenda shall consist of non-controversial, routine items such as, but not limited to, refunds, routine appointments requiring Council approval, department reports, applications, simple service contracts already vetted by City staff, and not requiring Council attention, and communications not requiring action. The items comprising the consent agenda will not be considered individually, but will be adopted on one motion. Council members or the Mayor may remove any item on the consent agenda for individual discussion, or to abstain from a vote because of a potential conflict of interest, or to register a vote against the item, by notifying the City Administrator or Mayor of the removal and the reason for it by 12PM the day of a meeting. No second shall be required to remove an item and no vote on such a request shall be required.
- g) REPORTS. The Council may request reports from cooperating agencies or private groups who are working with the Council on official projects or other community initiatives.
- h) MOTIONS. Motions are proposals to move a matter forward or to take some action in circumstances where no written resolution has been prepared. Council members should make a motion when there is new or non-routine business requiring Council discussion prior to a vote, including, but not limited to, new liquor licenses and cigarette permits. Example: "I move the liquor license for XYZ Restaurant be approved." Any

motions concerning any procedural matter, such as the order of business or the general conduct of the meeting, may be made prior to the consideration of other business.

- i) **RESOLUTIONS.** Resolutions are written directives of the City Council directing certain actions, such as the approval of contracts. Resolutions typically direct the Mayor to sign the resolution and frequently direct the City Clerk to take whatever actions are necessary to carry out the resolution, such as to “place the contract on file in the usual manner.” Resolutions are necessary for more formal actions where a definite record of Council action is important. Resolutions presented and seconded shall first be discussed by the City Council and Mayor. After discussion by the Council and Mayor, a resolution may be addressed by members of the general public upon the same conditions provided under public comments.

A resolution pertaining directly to other items of business should be placed first in order of resolutions being considered. Resolutions requiring a public hearing shall be considered immediately following the public hearing. Resolutions requiring a public hearing will be considered last in order of resolutions. When a blank is to be filled, and different sums or times are proposed, the question shall be taken first on the largest sum, or the longest time.

- j) **ORDINANCES.** Ordinances are the laws of the City. Ordinances must be read, considered and passed three separate times at three separate meetings of the City Council in order to become law. However, if the agenda provides the required public notice, a motion may be made to waive the second and third readings after the passage of the first reading during the same meeting. If the motion is approved by three-fourths (3/4) of all Council members (i.e., not just those Council members present), then the requirement of making the readings at three separate meetings may be waived, and all three readings may occur at the present meeting. Such a motion to waive the second and third reading requirement may occasionally be appropriate when an ordinance is not controversial and where time is of the essence. After discussion by the Council, members of the general public may address an ordinance, upon the same conditions as provided under public comments.

An ordinance that requires a public hearing prior to adoption will be placed last in the order of ordinances being considered. In the case of any ordinance to amend or repeal an ordinance or section of an ordinance, the proposed amendment shall contain the entire text of the ordinance or section to be amended or repealed. Ordinances amending or repealing existing ordinances shall be drafted to repeal the former ordinance or section in its entirety, and set forth the entire text of the proposed ordinance or section, as amended.

- k) **DISCUSSION.** Items placed on the agenda solely for discussion purposes will not be acted upon. Such discussion items determined to require action may be placed on a subsequent agenda by motion or, if no motion is made, by the placement of the item on a subsequent meeting agenda through the usual process described in the “Agenda Preparation” section of these rules.

- 1) **ADJOURNMENT.** When the City Council has finished its business, the Mayor may declare the meeting adjourned.

PUBLIC HEARINGS

Informal Public Hearings.

An informal public hearing is called in order to give the public an opportunity to comment on a matter of public interest before the Council. Informal hearings are not required by State law or City ordinance. The board, committee or commission concerned may set rules for notifying the public of an informal hearing, establish a time frame and conduct the hearing in any fair manner it chooses.

Formal Public Hearings.

A formal public hearing is required by State laws or City ordinances and is designed to solicit comment from the general public.

Hearing Procedures.

Hearings shall be fair and impartial. If a Council member has a personal interest in the outcome of a hearing, such that there is a legally recognized conflict of interest, he or she should disqualify himself or herself from participation.

Persons and groups who may be affected by the matter being discussed in the hearing shall be provided at least the minimum statutory notice of the time and place of the hearing. Such persons and groups attending the hearing shall be given a reasonable opportunity to be heard. Persons or groups requesting to address the Council may be represented by legal counsel and may present oral and documentary evidence.

The presiding officer should open the hearing and explain the hearing procedures. The presiding officer should inquire whether any comment on the public matter at issue has been received in the Clerk's office, and the Clerk should then relate any such comments for the record.

Following the report of the Clerk, the public should be invited to address the Council. If there are numerous persons representing the same views and opinions, the presiding officer may ask that a spokesperson be selected to speak on behalf of the group. If this arrangement cannot be made, the presiding officer may restrict each speaker to a limited time (generally three minutes) so that all may be heard. Irrelevant comments or speakers who run over the time allotted may be ruled out of order by the presiding officer.

Following comments from the public, staff persons who have information to present should be invited to present their respective reports.

When all interested persons (except as reasonably limited by the presiding officer, as stated above) have had the opportunity to speak, the hearing is closed, ending audience participation. Council members may then discuss and take action on the proposal following the hearing if notice of such action is stated on the meeting agenda.

OTHER MEETING PROCEDURES

Individual Electronic Participation.

An absent Council member may participate electronically in any City Council meeting by speaker phone or other device, provided the comments of the Council member are plainly audible to the public. This could include an electronic meeting service if requested by a Council member. With advance notice, staff members and select consultants may be available via phone or an electronic meeting service.

Quorum.

A quorum is necessary for the conduct of business. A majority of the Council members shall constitute a quorum. If a quorum is not present, those in attendance may elect to discuss items, but may not take official action, except to adjourn to a later date.

Recording of Votes.

Affirmative and negative votes shall be recorded on all motions, resolutions, and ordinances and entered into the official minutes of the City Council. The name of the Council member making the motion shall be recorded in the minutes, along with the “Ayes” and “Nays.” The outcome of a vote on a motion shall be announced by the Mayor and recorded by the Clerk.

Action by Verbal Motion.

Verbal motions of the Council shall be stated clearly. In the case of an ambiguous or confusing motion capable of several interpretations, the presiding officer shall, as soon as practicable following the initial statement of the motion, clarify the intent of the motion to ensure all Council members understand its meaning and intent. In such cases, Council members should be asked to amend their motions by friendly amendment.

Majority Vote Required.

Unless otherwise provided by State Code, an affirmative vote of at least four (4) Council members shall be necessary to pass an ordinance or resolution. When any vote is called, each Council member shall respond: “yes,” “no” or “abstain.” An “abstain” vote of a Council member is a “no” vote, unless the Council member states he or she has a conflict of interest and states the nature of the conflict. In the case of a conflict of interest, the number of votes to approve any action is recalculated to exclude the abstaining Council member. For example, if two Council members abstain due to a conflict of interest, an item could pass on a three to two vote (provided the vote does not require a majority of the entire Council).

Ordinance and Resolution Passage Procedure.

When passed by the City Council, an ordinance or resolution shall be signed by the legally required person (normally the Mayor) and shall be attested to by the City Clerk. It shall be immediately filed and thereafter preserved in the office of the City Clerk.

Making a Motion.

When a Council member wishes to propose an idea for discussion and possible action, the Council member must make a motion. In order to make a motion, these steps must be taken:

1. The Council member asks to be recognized by the presiding officer.
2. After being recognized, the Council member makes the motion (“I move...”).
3. Another Council member seconds the motion.
4. The presiding officer states the motion and asks for discussion.
5. When there has been sufficient discussion, the presiding officer will close the debate (“Are you ready for the question?” or “Is there any further discussion?”).

If no one requests to make additional comments, the presiding officer puts the question to vote. After the vote, the presiding officer announces the outcome of the motion (“The motion is carried” or “Motion fails”).

Until the presiding officer states the motion (step 4), the Council member making the motion may rephrase (amend) or withdraw it. After an amendment, the motion as amended must still be seconded and then voted upon. It is particularly important when a motion is amended that the presiding officer restate the motion, as amended.

In making a motion, Council members must avoid combining multiple proposals in the same motion. If a Council member prefers to see proposals divided and voted upon separately, the Council member should ask the presiding officer to divide the motion into separate motions for consideration. The presiding officer may then proceed to treat each distinct proposal as a distinct motion, each requiring its own second, and to be acted upon separately. The presiding officer should solicit motions when the situation demands by either inviting a motion or suggesting a motion to the Council members.

Debate Procedures and Rules.

No motion or resolution shall be debated unless seconded. When a matter is seconded, the Mayor shall restate the motion or resolution and open the floor for debate.

- a) **Three-minute Rule.** Council members speaking on a matter shall confine their remarks strictly to the matter under consideration, and shall limit their remarks to three minutes in duration.
- b) **Vote Required when Present.** Every Council member present when a question is stated from the presiding officer shall vote thereon, unless the Council member has declared a conflict of interest in the outcome of the question under consideration.
- c) **Motion or Resolution Withdrawn.** After a motion or resolution is seconded and stated by the Mayor, it may be withdrawn at any time before decision, but if any amendment has been proposed and adopted, it shall not be withdrawn without the consent of the mover of such amendment.

- d) Several Distinct Propositions. If the question in debate contains several distinct propositions, any Council member may have the same divided, and the item(s) considered separately.

TYPES OF MOTIONS

Please see the Table of Motions on page 23 for more information as to whether the motion is debatable, amendable, and the vote required. Specific State laws require the passage of motions, resolutions and ordinances greater than that of a simple majority. During debate and discussion of a motion, the maker of the motion on the floor may, at any time, interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Mayor may ask the person who seconded the motion if he or she wishes to make the motion, and any other Council member may make the motion, if properly recognized.

Main Motion.

The main motion is to put forward a decision for consideration. Example: “I move that we create a five-member committee to plan the annual fundraiser.” This is the most common motion used in a Council meeting to conduct business and bring forth items on the agenda for consideration.

Subsidiary Motions.

The following are considered subsidiary motions, which can be utilized by the City Council in handling the main motion.

- a) To amend. Changes a basic motion under consideration. Example: “I move we amend the motion to have a ten-member committee.” A motion to amend requires a second and must be decided before the Council returns to consideration of the original motion.
- b) To amend an amendment. Seeks to modify an amendment. Example: “I move we amend the amended motion to have an eight-member committee.” A motion to amend an amendment requires a second and cannot be amended further.
- c) To postpone to a date certain or indefinitely. 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.
- d) To lay on the table. 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. This motion is not debatable.

- e) To take from the table. Considers bringing forth a tabled motion for further discussion or action. Example: “I move to remove item X from the table.” This cannot be debated or amended. Once a majority vote in favor, the original tabled item can be acted upon.
- f) 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 Council member makes such a motion, the Council member is really saying, “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 Council members 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.
- g) To limit debate. An alternative to the previous question is a motion to limit debate, which includes, by its stated terms, a time limit. For example: “I move we limit debate on this agenda item to fifteen minutes.” The motion to limit debate requires a two-thirds (2/3) vote of the Council.
- h) To Refer to 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 on page 20.

Motion to Reconsider.

After a vote is taken, the matter is deemed concluded and is subject to reconsideration only upon a timely motion. A motion to reconsider shall only be made by a Council Member who voted with the majority on the original motion. A motion to reconsider requires a two-thirds (2/3) vote of the City Council to pass, with the following limitations:

-A motion to reconsider may be made at the meeting where the item was first voted on at any time before adjournment.

-A motion to reconsider may be made at the next regularly scheduled council meeting of the original measure’s failure.

If the motion to reconsider passes, then the original matter is back before the City Council, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time. .

No question shall be reconsidered more than once, without unanimous consent of the council, nor shall a vote to reconsider be reconsidered. This rule does not prevent substantively different iterations of the measure from being brought forth at later meetings of the Council. Further, once a new City Council is seated following the next regular election, any matter may be revived. No motion for reconsideration is necessary for this provision. This provision does not include special elections for vacancies.

Motions Limiting Debate and Discussion.

Debate and discussion should be focused, but free and open. At the same time, the Mayor may limit the time allotted to speakers, including Council members, in the interest of efficiently and effectively using time. Generally, a Council member will not be interrupted by other Council members, but may be under the following circumstances:

- a) To Object to Consideration. This motion is not debatable and, if passed, precludes the Council from even considering an item on the agenda. It also requires a two-thirds (2/3) vote. Normally, such a motion is unnecessary, because the objectionable item is usually tabled or defeated. However, when Council members do not wish there to be any consideration of an item, such a motion is in order.
- b) To Request a Point of Privilege. The proper interruption would be: "Point of Privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the comfort of the meeting participants. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
- c) To Raise a Point of Order. The proper statement by a Council member would be: "Point of Order." The Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the Mayor moved to a vote on a motion that permits debate without allowing discussion or debate.
- d) To Appeal. If the Mayor makes a ruling with which a Council member disagrees, that Council member may appeal the ruling of the Mayor to the Parliamentarian. This motion is not debatable.
- e) To Call for Orders of the Day. This is another way of saying, "Let's return to the agenda." If a Council member believes the Council has drifted from the agenda, such a motion may be made. It does not require a second or a vote. When the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the Council to return to the agenda item properly before them.
- f) To Recess. This motion, if passed, requires the Council to immediately take a recess. Normally, the presiding officer determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.
- g) To Fix the Time to Adjourn. This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.
- h) 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.

REQUIRED PUBLICATIONS

Minutes of all proceedings of the City Council shall be kept by the City Clerk or designee, and shall be entered in the official record of the Council. Minutes of the proceedings shall be open to public inspection, except those of closed sessions. Minutes shall be published in the Times Republican within fifteen (15) days of the Council meeting, as required by the Iowa Code. Additions and corrections to the minutes may be made only in public meetings, with the approval of the Council, and not by the private request of individual Council members.

City Council policy does not require that minutes be recorded verbatim. Minutes record the essence of decisions made and of actions taken. Minutes shall show the date, time, and place of the meeting, Council members present, action taken, the results of each vote taken, and information sufficient to indicate the vote of each Council member present.

Minutes of meetings and closed session recordings are retained as required by State law. Minutes of all meetings must be prepared by the City Clerk or the City Clerk's designee. A copy of all such minutes must be filed with the City Clerk's office. Personal notes or recordings made by the City Clerk for personal reference and convenience in preparing minutes shall not be considered part of the record and need not be preserved.

In addition to the publication of the minutes, all ordinances, public hearing or other notices will be published in the Times Republican.

CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS

As permitted by the Iowa Code and the Marshalltown Code of Ordinances, the Mayor and/or the City Council may create committees, boards, and commissions to assist with such public duties as the Council may specify. When a board, committee, or commission is established by the City Council, the specific duties of the group are set forth in the ordinance or resolution which created it. If a commission, board, or committee determines its activities should be expanded beyond its existing authority, the commission, board or committee should formally request specific authorization from the City Council to consider the additional matters and to formulate recommendations accordingly.

Any special or ad-hoc committee will be formally approved by the City Council. Special committees shall report their findings and recommendations in writing. Committees will make reports to the City Council as requested by the Council. All committee recommendations, decisions, or proposed actions shall be subject to the final approval and adoption of the City Council. Upon submission of a final report to the City Council, the special or ad-hoc committee shall dissolve, unless tasked with additional work by the Council.

Special committees of the City Council shall be empowered to require the attendance of witnesses, and for that purpose, the chairperson of such committee is authorized to issue subpoenas. Subpoenas

shall be provided to the Chief of Police, who shall immediately cause service of the same on the summoned individuals, in the usual manner required by law.

The abolishment or modification of a board or commission shall be done in accordance with applicable State law or City Code.

Steering committees are sometimes used by City staff members to provide broader viewpoints on specific projects or plans. A steering committee is not considered a special committee of the City Council unless the Council takes such actions to form it as a special committee. Steering committee members will be determined in consultation with the Mayor and City staff. Membership of a steering committee ceases to exist when a plan or project is brought to fruition.

MEETING CONDUCT

Disorderly Conduct.

No person shall disrupt the orderly conduct of a Council meeting. Prohibited disruptive behavior includes, but is not limited to, shouting, making disruptive noises, such as boos or hisses, 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. Any message to or contact with any Council member while the Council is in session must be made through the City Clerk. Other rules include the following:

- a) Council members shall not address the meeting until recognized by the presiding officer.
- b) When two or more Council members request to be recognized at once, the presiding officer shall recognize and name the Council member who is to speak first.
- c) No Council member shall be recognized to speak twice on the same matter until every Council member desiring to comment on the matter has spoken.
- d) The Mayor, Council members, 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.
- e) Any person called to order by the presiding officer shall immediately desist in the objectionable behavior.
- f) 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.

- g) Any of the following shall be sufficient cause for law enforcement personnel, by order of the presiding officer, to 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.

Except where a disruptive person presents a physical danger to others (in which case law enforcement personnel will immediately apprehend and remove the person), the presiding officer shall give a warning to a disruptive person before ordering the person's removal. 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.

Enforcement of Decorum.

The presiding officer is the Sergeant-at-Arms of the Council meetings. That person maintains order and decorum at the Council meetings. Physical removal, when necessary, will be undertaken by law enforcement personnel.

TABLE OF MOTIONS

Motion	Reference	Debatable	Amendable	Required Vote
To suspend the rules	Page 4	Yes	No	2/3 Council or unanimous of all present
To go into closed or exempt session	Page 9	Yes	No	2/3 Council or unanimous of all present
To change the order of business	Page 11	Yes	Yes	Majority of Council Members present
To approve a resolution	Page 12	Yes	Yes	Majority of all Council Members
To approve an ordinance reading	Page 13	Yes	Yes	Majority of all Council Members
To waive readings of an ordinance	Page 13	Yes	Yes	¾ of all Council Members
To amend	Page 17	Yes	Yes	Majority of all Council Members
To amend an amendment	Page 17	Yes	No	Majority of all Council Members
To postpone to a date certain	Page 17	Yes	Yes	Majority of all Council Members
To lay on the table	Page 17	No	No	Majority of all Council Members
To take from the table	Page 17	No	No	Majority of all Council Members
To end debate (previous question)	Page 18	No	No	2/3 of all Council Members
To limit debate	Page 18	No	Yes	2/3 of all Council Members
To refer to a committee	Page 18	No	Yes	Majority of all Council Members
To reconsider	Page 18	No	No	2/3 of all Council Members
To object to consideration	Page 19	No	Yes	2/3 of all Council Members
To request a point of privilege	Page 19	No	No	Mayor
To raise a point of order	Page 19	No	No	Mayor
To appeal	Page 19	No	No	Parliamentarian
To call for orders of the day	Page 19	No	No	Mayor
To recess	Page 19	No	Yes	Majority of all Council Members
To fix a time for adjournment	Page 19	No	Yes	Majority of all Council Members
To adjourn (prior to adjournment on agenda)	Page 19	No	Yes	Majority of all Council Members