

# **Procedural Rules of Cedar Rapids City Council**

## Part I General Provisions

**Rule 1. Scope of Rules** These rules shall govern the conduct of the Cedar Rapids City Council (hereinafter “Council”) and shall be interpreted to insure fair and open deliberations and decision making.

**Rule 2. Technical Parliamentary Forms** Except as specifically required by applicable law, Council resolution, or these rules, the Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms except as provided in Robert’s Rules of Order.

**Rule 3. Matters Not Covered** Any matter, 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 a City Attorney 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 Cedar Rapids.

## Part II Time and Place of Meeting

**Rule 5. Regular Meetings** Regular meetings of the Council shall be as set forth by City Council resolution. Council may continue, reschedule, or postpone any regular meeting to another date and time, or may cancel a meeting.

**Rule 6. Special Meetings** Special meetings may be called by the Mayor, Mayor Pro Tem in the Mayor’s absence, or by any five council members. A call for a special meeting shall be in writing and filed with the City Clerk unless the announcement of the special meeting is made at a regular meeting at which council members are present. The call for the special meeting shall specify the day, hour, and subject of the meeting and shall be posted on the bulletin board at City Hall where other official notices are posted.

**Rule 7. Quorum** A majority of all members elected to the Council shall constitute a quorum for transaction of business. Provided however that passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council except as otherwise provided by law. Passage of a motion requires a majority vote of a quorum of the Council.

## Part III Agenda

**Rule 8. Preparation of Agenda** Prior to each Regular Council meeting the City Clerk shall provide notice thereof as provided for by applicable law. Notice shall include a tentative Agenda which shall contain all items the Council anticipates acting upon at the meeting.

Rule 9. Agenda Deadlines. Items are placed on an agenda pursuant to direction by the City Council.

a. Items proposed for action in furtherance of previous Council direction may be included upon an agenda by the City Manager, City Clerk, or the City Attorney, or persons authorized by them, by requesting the City Clerk to include such an item no later than noon on the Thursday preceding the regular meeting of the Council. Items proposed for discussion may be submitted until 4:00 p.m. on the day preceding a regular meeting. If the day of the meeting is changed, then the items must be submitted to the City Clerk by a deadline specified by the City Clerk. Items to be included for a special meeting must be submitted at the time the special meeting is called.

b. Agenda items may be placed on an agenda at the direction of any member of the Council upon concurrence by at least three other council members. When such a member requests the City Clerk to include an item on an upcoming agenda, the member shall also provide the names of the other three members who concur as to the items placement on an agenda.

c. The Council has the final authority with respect to the agendas for its meetings. By motion, which shall appear on each agenda, the Council will approve the proposed agenda, or make any changes it deems necessary such as removing any item to be considered, adding items subject the Iowa Open Meetings Law, or other controlling law, or moving items from the Consent Agenda to the Regular Agenda.

#### Part IV Meetings Procedures

##### Rule 10. Consent Agenda

A. General. The Council will make such use of a Consent Agenda as it sees fit to handle routine matters which are not controversial and do not need further discussion. Items listed under the Consent Agenda may be approved with one motion and one Council vote. To determine whether items are to be placed on the Consent Agenda the following guidelines, not intended to be exclusive or necessarily applicable in all cases, will apply:

1. The item has previously come before the council for explanation and discussion with city staff such that additional discussion will be repetitive and unnecessary.
2. Council has been given typical background supporting documentation regarding the item in the Council's agenda package.
3. It is reasonable to assume that the Council is in general agreement, or has reached consensus, that the vote will be to approve the item.
4. The item does not impact more than 10% of the city's annual operational budget.
5. The item does not have a material impact on the organization.

By example, and not limitation, the following items would ordinarily be placed on the Consent Agenda:

- Payment of bills and payroll
- Purchases of budgeted items
- Beer/liquor/wine applications, transfers, etc.
- Permits and licenses
- Authorizing travel or leave of absences
- Events
- Encroachments
- Accepting Easements
- Preliminary Plats (minor and major)
- Final Plats
- Internal operational or administrative matters
- Accepting maintenance/subdivision bonds and authorizing payment/reimbursement
- Releasing escrow for sanitary sewer bonds and releasing subdivision/sidewalk bonds
- Releasing security deposits
- Installation of stop signs
- Accepting water mains
- Signature cards for bank accounts/drawdowns for HUD, etc.
- Extending storm & sanitary sewer facilities
- Accepting agreements for private storm water detention
- Appointments to commissions/boards
- Setting public hearing dates
- Accepting deeds
- Authorizing vacation and disposition of interests in real property
- Intent to assess, levy, etc. for nuisance abatement, clean-up, non-payment of utility bills
- Change orders
- Paving & sidewalk petitions and assessment agreements
- Establishing fees or rates (unless controversial)
- Execution of grant agreements
- Execution of 28E Agreements/intergovernmental matters (IDOT and/or Federal/CDBG)
- Resolution of Necessity (Proposed) in which a public hearing date is also being set
- Awarding bids for public improvements upon which competitive bidding has occurred (this would be placed on the “regular agenda” if there were a report of bid and award during the same meeting)
- Urban renewal/revitalization & TIF activities/economic development
- Condemnation proceedings

By example, and not limitation, the following items would ordinarily be placed on the Regular Agenda:

- Annexations
- Ordinances
- Bond Issue Proceedings
- Resolution with respect to the adoption of the Resolution of Necessity (Council has four options to choose from)
- Items currently on the table (a motion must be made to remove the item from the table and then a vote is taken on the item)
- Items which are to be discussed and then action (resolution or motion) to be taken

B. Procedure. The City Manager and City Clerk, and other staff as necessary, shall consult with each other for the purpose of determining the placement of items on the Consent Agenda. Council consensus may be solicited as necessary. Once an Agenda is posted, an item may be removed from the Consent Agenda and placed on the Regular Agenda only upon the passage of a Council motion. The item will be placed on the Regular Agenda and considered by the Council in the order in which it was removed and placed. Staff shall endeavor to have the Consent Agenda items posted on the television screen during the time the Council is taking action thereon.

Rule 11. Ordinance Consideration

Unless prohibited by controlling law, rule or regulation, the Council may consider and act upon an ordinance at the same meeting during which a public hearing was conducted on said ordinance. The Council will make such use of this procedure as it deems necessary to handle such routine ordinances as do not appear to be controversial and do not need further discussion. Similarly, the Council may, as it deems appropriate, combine the second and third readings of ordinances, as expressly provided for by applicable law..

Rule 12. 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 Council shall appoint a chair.

Rule 13. Control of Discussion The presiding officer shall control discussion of the Council on each Agenda item to assure full participation in accordance with these rules.

Rule 14. Order of Consideration of Agenda Except as otherwise provided in these rules, each Agenda item shall be considered in the order as shown on the Agenda. Consent Agenda items shall be considered with a single motion and vote.

Rule 15. Closing Debate Discussion shall be closed on any item by the presiding officer. 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 16. Citizen's Right to Address Council Persons including Council members shall be permitted to address the Council on topics relevant to Council business during the Public Comment period of the meeting.

Rule 17. Manner of Addressing Council A member of the public desiring to address the Council shall sign up to speak before the start of the meeting, stating his or her name, address, group affiliation (if any) and the agenda topic on which he or she desires to speak. The presiding officer, or designee, may group related comments. When called upon by the presiding officer or designee, the person shall step to the lectern, state his or her name, address, and group affiliation (if any) and speak clearly into the microphone, unless authorized otherwise by the presiding officer.

Rule 18. Time Limit on a Citizen's Remarks Members of the public shall be limited to five minutes speaking time at the Public Comment period unless additional time is granted by the presiding officer. Comments from the public on any one subject under Council consideration may be limited to a fixed period by the presiding officer, subject to a determination otherwise by approval of an appropriate motion by Council.

Rule 19. Remarks of Citizens to be Germane Public comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of public comments. Abusive, personal, impertinent, irrelevant, slanderous or profane remarks, or loud, threatening, personal or abusive language shall not be allowed.

Persons other than an employee, employee's representative, employee's attorney, or member of an employee's immediate family will not be allowed to discuss personnel matters involving city employees.

The Cedar Rapids City Council will not discuss personnel matters regarding an employee who is represented by an attorney outside the presence of that attorney. The council will not allow or entertain public comment or discussion of personal matters or other matters under consideration by the Civil Service Commission or subject to the Iowa Public Employees Relation Act.

## Part VI Council Action

Rule 20. Motion Required All action requiring a vote shall be moved by a member of the Council.

Rule 21. Motion to Reconsider A motion to reconsider may be made by a Council member and shall require a majority vote of all Council members unless a greater number was required for the original action.

Rule 22. 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 23. Failure to Vote A member of the city council who fails to vote, for any reason other than properly abstaining for reasons made clear during the meeting will be deemed to have voted with the majority of the votes cast.

Rule 24. 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 25. Recording Names of Moving Members The City Clerk shall record the name of the Council member making each motion, the second, and the vote of each Council member.

Rule 26. Consideration of Matters Not on the Agenda Except as to matters which by law require the publication of notice before consideration by the Council, any member of 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 or direct such matter be included upon a later Agenda subject to complying with the open meeting requirements of state law.

#### Part VII Miscellaneous

Rule 27. 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 28. 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 29. Hearings Any other rules to the contrary notwithstanding, unless required by statute or necessary to conform with requirements 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.

Rule 30. 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 any city employee, or any other person.

Rule 31. Enforcement Any person who makes threatening, abusive, personal, impertinent, irrelevant, slanderous or profane remarks which disrupt, disturb or otherwise impede the orderly conduct of the council meeting, or who otherwise engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any council meeting, shall be upon the direction of the presiding officer or a majority of the council, barred from further attendance at that council meeting. In that event, it would be the duty of a peace officer, upon the request of the presiding officer, to issue such commands and take such actions as may be necessary to eliminate the disruptive conduct and restore peace and order to the proceedings.

RESOLUTION NO. 1018-10-09

WHEREAS, the Cedar Rapids City Council has enacted Resolutions No. 0063-01-01, 0014-01-06, 0860-06-06, and 1750-12-06 which established the procedural rules governing City Council meetings, and

WHEREAS, it is the desire of the Cedar Rapids City Council to amend those rules in certain respects including clarifying when new matters may be placed on a meeting agenda, and the meaning to be given to a situation where a council member is able to but does not vote upon a measure and making other non-substantive corrections, and

WHEREAS, the meeting schedule for calendar year 2010 should be established.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The meeting schedule for calendar year 2010 is shown on Attachment A attached hereto.

2. Attached hereto is a revised edition of the Procedural Rules of the Cedar Rapids City Council dated as of the date of this Resolution, and said revision is hereby adopted.

Passed this 14th day of October, 2009.

Voting: Council member Gulick moved the adoption of the resolution; seconded by Council member McGrane. Adopted, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke, Mayor Halloran and Council member Vernon.

Kay Halloran, Mayor

Attest:

Ann Oettinger, City Clerk