



CITY OF PANORAMA PARK, IOWA

**RULES OF ORDER & PROCEDURE
FOR CONDUCT OF CITY COUNCIL BUSINESS**

ADOPTED BY THE PANORAMA PARK CITY COUNCIL

**RESOLUTION NO. 2022-01
EFFECTIVE: JANUARY 11, 2022**

COPY

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**RULES OF PROCEDURE FOR CONDUCT
OF CITY COUNCIL BUSINESS
PANORAMA PARK, IOWA**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Panorama Park that the following rules of the Council shall govern all proceedings of the Council therein described; and

BE IT FURTHER RESOLVED, that violation of these rules shall not be construed as a penal offense, except that breach of the peace or willful failure to comply with the lawful orders of the Council or its presiding officer shall be punishable as misdemeanors under applicable law.

RULES OF PROCEDURE

The Council shall determine the rules of its own proceedings by resolution, and the Clerk shall keep such rules on file for public inspection.

COUNCIL MEETINGS

Dates And Time

Regular meetings of the Panorama Park City Council shall be held at 7:00 p.m. on the second Tuesday of each month commencing with the January, 2022 meeting following approval of this New Council Rule by Resolution of the Council. If a regular Council meeting day falls on a legal holiday, the meeting shall be held on a day or time that is determined by the Council.

All City Meetings And Records Open To The Public

All regular and special meetings of the Panorama Park City Council and all regular and special meetings of the City's Permanent Boards, Commissions, Standing Committees and all temporary, advisory and ad hoc committees (hereafter collectively referred to as "meetings") shall comply with Iowa Code Chapter 21, The Iowa Open Meetings Law and Chapter 22, The Iowa Open Records Law.

FACILITIES

Council Chamber Capacity

Council Chamber attendance shall be limited to the seating capacity thereof. While the Council is in session, members of the public shall not remain standing in the Council Chamber, except to address the Council.

Alternate Facilities for Council Meetings

The Council shall approve in advance a proposal that a Council meeting be held at a facility other than the Council Chambers. If the Clerk has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Council Chambers and insufficient time exists to secure the approval of the Council to hold the meeting at an alternate facility, the Clerk shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the Council authorizes such action.

QUORUM

Three (3) members of the Council constitute a quorum to do business, but less than that number may gather from time to time. When there is no quorum, the Mayor, Mayor Pro Tem, or any other Council Member shall adjourn the meeting. If no Council Member is present, the Clerk or Mayor (if present) shall adjourn the meeting.

AGENDA

All written petitions, communications, and other matters to be submitted to the Council for inclusion in the agenda packet for consideration at a regular or adjourned regular meeting should be delivered to the Clerk no later than 9:00 a.m. on the Thursday preceding the Council meeting. The Mayor, in consultation with the Council and Clerk, will establish the agenda and the order of the agenda. The Council shall have the authority to delete

items from the agenda and change the order of items on the agenda. The Clerk shall compile the agenda, listing all matters to be considered by the Council according to the order of business, numbering each item consecutively. A copy of the agenda, complete with all accompanying staff reports and other background materials, shall be delivered to each Council Member, Mayor, the City Attorney, so as to be available to the recipient no later than 5:00 p.m. the Friday preceding the Council Meeting. The agenda only, without the supporting material, is available to the public no later than 5:00 PM on the Friday afternoon preceding the Council Meeting and in the Council Chambers during each meeting. In the case of a Special Council meeting, the agenda will be available to the public no later than 24 hours prior to the scheduled meeting.

Consent Agenda

The agenda shall separately designate items on a "Consent Agenda", which may be acted upon by the Council on a single vote. The Consent Agenda shall consist of "routine", non-controversial items, which may be appropriately considered in total at the Council meeting. If any Council Member exercises a prerogative to remove an item from the Consent Agenda, the rest of the items will be acted upon as a whole, with the removed item(s) being acted upon separately.

Order Of Business

The recommended order of business shall be as follows:

1. Call to Order
2. Recitation of the Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Public Comments
6. Presentations
7. Mayor's Report
8. Council Committee Reports
9. Consent Agenda
10. Unfinished Business
11. New Business
12. Adjournment

The Mayor, with the prior consent of a majority of the Council, shall have the authority to vary from this recommended schedule to expedite the conduct of business or accommodate persons having business before the Council.

SPECIAL MEETINGS PROCEDURES

Special Meetings will be set by the Mayor or at the request of three (3) Council Members. Every notice (agenda) for a special meeting will state the public's right to address the Council on the item(s) appearing on that agenda.

Closed Session

A closed session may be held only by affirmative vote of two-thirds (2/3) of the Council or all of the members present at the meeting and in accordance with §21.5 of the Code of Iowa. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

1. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.
2. To discuss application for letters patent.
3. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
4. To discuss the contents of a licensing examination or whether to initiate licensee disciplinary

- investigations or proceedings if the governmental body is a licensing or examining board.
5. To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.
 6. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.
 7. To discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property.
 8. To discuss matters regarding economic development where premature disclosure of the details relating to the project would put the City at a disadvantage with competing communities.

The minutes and the tape recording (if available) of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

Electronic Meetings

A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of §21.8 of the Code of Iowa. The minutes shall include a statement explaining why a meeting in person was impossible or impractical. The City must comply with the following elements as outlined in the state code.

1. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.
2. The governmental body complies with §21.4 of the Code of Iowa. For the purpose of this paragraph, the place of the meeting is the place from which the communication originates or where public access is provided to the conversation.
3. Minutes are kept of the meeting.

Workshop Meetings

The Council may conduct workshop meetings or study sessions on matters that are expected to come before the Council for formal action at a regular meeting or otherwise need study by the Council. Items to be considered will be placed on an agenda as required by the open meetings statutes.

At workshop meetings, the Council will receive information and presentation of issues from any of the participants. Council may ask questions and may request that certain information be provided or issues be addressed when items are considered further at another workshop meeting or a regular meeting of Council. Council may direct that matters under consideration be brought forward for formal action at a regular meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before the matter is considered further.

Final action on items is not taken at workshops or study sessions. No formal vote of the Council in favor or against any agenda item may be taken at a workshop or study session.

Workshops are not public hearings. On public hearing items, public testimony will be taken before Council action on the item at a regular meeting. No member of the public or interested party has the right to make a presentation or address the Council on an item under consideration in a workshop or a study session. Questions may be directed by the Council to a member of the public or another interested party or, in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item or a particular question related to an agenda item. The Mayor may limit or end the time for such responses to questions or presentations.

DECORUM DURING COUNCIL MEETINGS

Requirements

While the Council is in session, all persons shall preserve order and decorum. Any person that refuses to abide by the rules shall be asked to leave the Council Chambers.

Every member of the public and every Council Member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate.

- We may disagree, but we will be respectful of one another
- All comments will be directed to the issue at hand
- Personal attacks will not be tolerated

DUTIES OF PRESIDING OFFICER

The Mayor (or in the Mayor's absence, the Mayor Pro Tem) shall be the presiding officer of the Council. In the absence of the Mayor and the Mayor Pro Tem, the Clerk shall call the Council Meeting to order, whereupon the members of the Council who are present shall elect a temporary presiding officer. Upon the arrival of the Mayor or the Mayor Pro Tem, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. The presiding officer's name shall be called last on any question in voting.

RULES OF DEBATE

Mayor

The Mayor may debate, but may not make a motion. The Mayor is subject to the limitations of debate that are imposed on all Council Members, but shall not have any of the voting rights and voting privileges of a Council Member.

Council Member

Every Council Member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate. A Council Member, once recognized, shall not be interrupted except according to the rules of parliamentary procedure (e.g. for a point of order, parliamentary inquiry, question of privilege or appeal of the presiding officer's procedural ruling).

Motion to Reconsider

A motion to reconsider any action taken by the Council may be made only on the same day that the action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session on the same day. It may be made only by a Council Member who had voted in the majority on the item, which is the subject of reconsideration. This motion is debatable.

Motion to Rescind

A Council action may not be rescinded on the same day the action was taken, but may be rescinded at any subsequent meeting of the Council. Action taken pursuant to resolution may only be rescinded by resolution. Actions taken by motion may be rescinded by motion. A motion to rescind is debatable. Generally, a request to rescind a prior action of the Council, not already agendized for that meeting, will not be acted upon at the same meeting at which the request is presented, but will be continued to the next meeting to permit notification of interested persons.

ADDRESSING COUNCIL FROM FLOOR

Securing Permission To Speak

Any persons desiring to address the Council are required to follow the procedures as prescribed by the Council and shall first secure permission from the presiding officer. Remarks should be directed to the matter being considered.

Individuals

Persons addressing the Council will stand and give their full name and address in an audible tone of voice for the record. A time limit may be stated as directed by the presiding officer, unless the presiding officer grants additional time. All remarks shall be addressed to the Council as a whole and not to any individual member. Without the permission of the presiding officer only Council Members and the person addressing the Council shall be permitted to enter into any discussion. Individuals addressing the Council shall have only one opportunity to address the Council on any agenda item. Individuals may be offered a second or even third opportunity if additional information or rebuttal is warranted at the discretion of the presiding officer.

Spokesperson for Group Presentations

Organized groups that wish to make a presentation for longer than the time allowed for in the agenda will be required to contact the Clerk prior to the meeting.

Open Forum

OPEN FORUM: A MAXIMUM OF 15 MINUTES WILL BE SET ASIDE FOR MEMBERS OF THE PUBLIC TO ADDRESS COUNCIL ON ANY ITEM NOT ON THE AGENDA.

- Presentations will be limited to THREE MINUTES.
- Preference will be given to individuals who did not speak at the previous Council meeting.
- Individuals may not speak more than once during Open Forum.
- All speakers must address the entire Council and will not be permitted to engage in dialogue.

SPEAKERS ARE REQUESTED TO STATE THEIR NAME AND ADDRESS SO THAT IT MAY BE ACCURATELY RECORDED IN THE MINUTES OF THE MEETING. Time limits may be increased at the presiding officer's discretion, subject to the approval of the Council. Generally, matters presented during the Open Forum that require further investigation or information shall be referred to staff, and if Council determines that action is required, the item may be placed on a future agenda.

Public Hearings

Interested persons or their authorized representatives may address the Council in regard to public hearing matters under consideration.

ADDRESSING THE COUNCIL AFTER MOTION MADE

After a motion is made and seconded by a Council Member, no person shall address the Council except upon the request of a member of the Council through the presiding officer.

PREPARATION OF THE MINUTES

Method of Keeping Minutes

The minutes of the Council shall be prepared at the direction of the Clerk and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs. The minutes must contain only a record of such business as was actually passed upon by a vote of the Council and shall not be required to contain a verbatim transcript of the proceedings. A record shall be made of the names of persons addressing the Council, the title of the subject to which their remarks relate and whether they spoke in support of or in opposition to such matters.

Remarks of Council Members Entered in Minutes

A Council Member may request, through the Clerk, the privilege of having an abstract of that Member's statements on any subject under consideration by the Council entered in the minutes. If the Council consents, such statements shall be entered in the minutes.

Delivery of Minutes

The Clerk shall cause a copy of the minutes to be forwarded to each Council Member, and Mayor, typically delivered with the agenda packet for the next regular meeting.

Correction Of Minutes

When a Council Member wishes to correct the minutes, he/she should contact the Clerk in advance of the meeting with the correction. Upon verification of an error in the minutes, the Clerk will provide the corrections to the Council in advance of the meeting. If time constraints prevent this procedure, the Council should continue the approval of the minutes to the next meeting, and direct the Clerk to verify the error.

Approval Of Minutes

The minutes of the preceding Council Meeting may be approved without reading; provided that the Clerk has previously furnished each member of the Council with a copy of the minutes and that a majority of the Council has not requested such a reading.

PROCESSING COUNCIL MAIL

The Clerk (or designee) is authorized to receive and review all mail generally addressed to the Council. All correspondence not requiring Council action will be acted upon between Council meetings and referred to staff, if appropriate. Action taken on these communications will later be reported to the Council.

SPECIAL COMMITTEES

Subject to approval of the Council, the Mayor may appoint special committees of the Council Members, private citizens, or both, as deemed desirable and necessary to assist and advise the Council in its work.

PREPARATION AND STAFF APPROVAL OF ORDINANCES, RESOLUTIONS AND CONTRACT DOCUMENTS

All ordinances shall be prepared or reviewed by the City Attorney. Ordinances shall be prepared for presentation to the Council only if ordered by a majority vote of the Council, requested by the Clerk, or prepared on the City Attorney's own initiative. As time allows, the City Attorney may assist individual Council Members in preparation of ordinances for future Council consideration.

The City Attorney or an authorized representative shall first approve all ordinances, resolutions and contract documents to be presented to the Council as to form and legality. When substantive matters of administration are involved, the Clerk, the head of the affected department, or an authorized representative of the Clerk shall also examine the ordinance, resolution, or contract for administration.

COUNCIL ACTION

All ordinances and resolutions may be introduced and passed by reading the title only; they shall be read in full only when requested by a majority of the Council. All ordinances, resolutions and other matters or subjects requiring action by the Council must be sponsored by a member of the Council, by motion duly made and seconded. Debate shall not be permitted on a motion until it is seconded and the motion has been restated by the presiding officer or the Clerk. After the vote has been called, there will be no further discussion or debate, except that members of the Council may be permitted by the presiding officer to explain their votes.

Disqualifications

All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made. The Clerk is available to help Council Members decide if they should declare a disqualification on any issue. There may be instances where financial conflict of interest is not the issue, and again, the Clerk will provide guidance in determining whether a Council Member should disqualify him/herself from acting on the item. In these instances Council Members should use the phrase, "....to avoid the appearance of impropriety."

VOTE REQUIRED

Ordinances and Resolutions

Legislative action shall be taken by the Council only by means of an ordinance or resolution. Except where a greater number of votes are required by statute or Charter, any ordinance or resolution introduced or passed must receive the affirmative votes of the majority members of the Council. A roll call vote will be taken of all Council Members' votes.

Motions

Administrative matters may be acted upon by motion. These actions, unless subject to Charter, statutory or Constitutional requirements, shall be deemed passed upon receiving a majority vote of all Council Members present.

Tie Vote

If a tie vote should occur on any matter before the Council, the tie vote shall be resolved as follows:

- A. Disqualification - A tie vote resulting from a disqualification of one or more Council Members, with no Council Members absent and no vacancies on the Council shall constitute a denial of the appeal, or a defeat of the motion.
- B. Absence - A tie vote during the absence of one or more Council Members, or when there is a vacancy on the Council, shall cause the item to be automatically continued (typically to the next meeting); except that as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.
- C. Successive Tie Votes - A tie vote at the next meeting on a matter, which has been continued as a result of a tie vote, constitutes a denial of the appeal or defeat of the motion.

Motion to Table

A motion to table may be made to suspend Council consideration of an item that appears on a Council meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another Council Member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote of present Council Members for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Council Members will refrain from using a motion to table as a means of capriciously limiting debate among Council Members, to suppress a minority of the Council, or to avoid public input on an agenda item under consideration by the Council.

AMENDMENTS TO PROCEDURAL RULES

Suspending Procedural Rules

A Rule may be suspended by the Council for the purpose of the matter under consideration by the Council, following a 2/3 vote of the Council Members present.

Amendments to Procedural Rules

These Rules may be amended through a resolution adopting such changes by a majority vote of the entire Council.

INTERPRETATION OF THE RULES OF PROCEDURE

The City Attorney shall be considered the final authority on any questions regarding the application or interpretation of the rules and procedures. In the absence of the City Attorney, the Clerk shall be considered the final authority on the rules of procedure for the conduct of Council business.

C. Gilbert aye T. Huber aye S. Perry aye S. Rice aye D. Smith aye

ADOPTED BY THE COUNCIL AND APPROVED THIS 11TH DAY OF JANUARY,, 2022.


Ronald D. Rice, Mayor

I, the undersigned, being duly appointed, qualified and acting City Clerk of Panorama Park, hereby certify that the foregoing Resolution No. 2022-01 is a true, correct and accurate copy as duly and lawfully passed and adopted by the governing body of the City of Panorama Park on the 11th day of January, 2022.


Gary Gleason, City Clerk/Treasurer