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CITY ADMINISTRATOR

MEMORANDUM

To: Mayor Hopkins and City Council Members
From: Gregg Mandsager, City Administrator
Date: February 7, 2012
Re: City Council Residency and Rules

INTRODUCTION:

Following recent issues related to Council-member residency, the City Attorney was asked to review the City's current code and has made the attached recommendations.

Additionally, City Council and staff have been asked to review City Council rules for updates or modifications.

RECOMMENDATION/RATIONALE:

City Attorney Matt Brick has made the attached recommendation to include two new additions to the City Code to (1) further define "reside" or "residence", and (2) to include a process for review of the residency requirements when a complaint is made.

Additionally, City staff recommends adding three items to the consent agenda. This is not specifically addressed in the Council rules, but based on past practices we wanted to bring this item forward for discussion. Staff recommends adding minutes, proclamations, and appointments to the consent agenda. Proclamations would be removed when the person or entity receiving the proclamation wishes to attend the City Council meeting. There are additional items that could be placed under the consent agenda including (1) motions setting a public hearing and (2) purchases under a certain amount, i.e. \$15,000.

BACKUP INFORMATION:

1. City Code (Residency)
2. Attorney Opinion
3. City Council Rules

Title 1 – Administrative
Chapter 6 – Mayor and City Council

SECTIONS:

- 1-6-1 Powers and Duties of the Mayor
- 1-6-2 Salary of the Mayor
- 1-6-3 Mayor Pro Tem
- 1-6-4 Council and Council Members
- 1-6-5 Salary of Council Members
- 1-6-6 Meetings of the City Council
- 1-6-7 Qualifications of the Mayor and Council Members
- 1-6-8 Vacancies
- 1-6-9 Removal of the Mayor or Council member

1-6-1 Powers and Duties of the Mayor. The Mayor shall be the chief executive officer of the City; shall take care that the laws of the State of Iowa and the provisions of this City Code are duly respected, observed, and enforced within the City; shall preside at all council meetings, preserve order and decorum and shall decide all questions of order, subject to an appeal from the Council; shall from time to time give the Council information for its consideration on such measures as may be in the interest of the City; shall be the conservator of the peace and may call for the assistance of the police and, if necessary, any citizen of the City to aid in quelling or preventing any riot or unlawful assembly, or in preventing or restraining any breach of the peace and any such police officer or citizen, when so called upon, who shall refuse to obey the orders of the Mayor shall be deemed guilty of a misdemeanor; shall sign on behalf of the City all contracts between the City and any other party; and shall perform all duties required by the Charter, the provisions of this Code, resolutions of the City Council and all other acts which the good of the City may require.

1-6-2 Salary of the Mayor. The Mayor shall receive, in full compensation for his or her services, a salary of Six Thousand Five Hundred Dollars (\$6,500) per year effective January 1, 2010.

1-6-3 Mayor Pro Tem. Immediately upon taking office, the Mayor shall designate one member of the City Council as Mayor Pro Tem, who shall perform the Mayor's duties when the Mayor is absent or unable to act, except that the Mayor Pro Tem may not appoint, employ, or discharge officers or employees without the approval of the Council. The Mayor Pro Tem retains all of the powers of a Council member.

1-6-4 Council and Council Members. The Council shall be the governing body of the City and is comprised of the aldermen as provided for in the City Charter. The City Council shall exercise a power by the passage of a motion, resolution, amendment, or an ordinance as prescribed by the laws of the State of Iowa.

1-6-5 Salary of Council Members. Each Council member shall receive, in full compensation for his or her services, a salary of Four Thousand Dollars (\$4,000) per year effective January 1, 2000.

1-6-6 Meetings of the City Council. The City Council shall hold regular meetings, as may be designated by the Council, and special meetings called by the Mayor, City Administrator, or a majority of the Council members. A quorum of the Council shall be a majority of the members and no action may be taken by the Council unless a quorum is present. The Council shall prescribe its own rules of procedure by resolution which shall be in

conformance with the provisions of the laws of the State of Iowa.

1-6-7 Qualifications of the Mayor and Council Members. The Mayor shall be a resident of the City and the Council members shall be residents of the City and of the Ward which they are elected to represent at the time a petition for election is filed, at the time of election, and continuing throughout the term of office.

1-6-8 Vacancies. A vacancy in the office of the Mayor and the Council shall be filled in accordance with the provisions of the laws of the State of Iowa and all officers appointed or elected to fill such vacancies shall qualify within three (3) days.

1-6-9 Removal of the Mayor or Council Member. The Mayor or any Council Member may be removed from office by action of the City Council for any of the following reasons:

- A. For willful or habitual neglect or refusal to perform the duties of his or her office.
- B. For willful misconduct or maladministration in office.
- C. For corruption.
- D. For extortion.
- E. Upon conviction of a felony.
- F. For intoxication, or upon conviction of being intoxicated.
- G. Upon conviction of violating the provisions of Chapter 56, Campaign Finance Disclosure, Code of Iowa.

Such removal shall be only after a hearing before the City Council based on written charges prepared and filed by the City Attorney, which removal can only be made by a two-thirds vote of the entire Council. Notice of such hearing shall be by personal service on the Mayor or City Council Member whose removal is being sought not less than ten (10) days before the date of such hearing.

From: Matt Brick <Matt.Brick@brickgentrylaw.com>
Subject: Residency Questions
Date: February 6, 2012 12:00:42 PM CST
To: Gregg Mandsager <gmandsager@muscatineiowa.gov>

Gregg,

As you know, Section 1-6-7 of the Muscatine City Code has the residency requirement for the Mayor and Council Members. It reads as follows: "[t]he Mayor shall be a resident of the City and the Council members shall be residents of the City and of the Ward which they are elected to represent at the time a petition for election is filed, at the time of election, and continuing throughout the term of office."

The City's language is similar to the Iowa Code, which states in Section 39.27, that "[a]t the time an elected official takes office the official shall be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised. An elected official shall continue to be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised for the duration of the term of office."

I understand that you have received questions about the definition of "residency" and whether it needs to be further defined, as well as whether any additional process needs to be added for the Council to review questions about residency requirements. The purpose of this memorandum is to address those questions.

Background

This issue is similar one that recently came to light in the City of Bettendorf, Iowa. Specifically, in November 2011, that city council was required to hold a hearing after a petition was filed with the city alleging that the mayor had vacated his office. The mayor had sold his personal residence and had been splitting time between a residence in Denver, Colorado, and living with a family in Bettendorf. During the hearing, council members asked the city attorney for clarification on the legal issues. The attorney advised the city that residency is determined by "presence and intent to remain." Asked whether that intent to remain meant until the end of the mayor's term or beyond, the city attorney stated that the council should look at the residency question as a "snapshot," and determine the mayor's residence as of the date of the hearing as his circumstances (like those of any elected official) could change at any time. The Bettendorf council ultimately determined that the mayor was a residence who had not vacated his office, and was allowed to remain the mayor.

"Residence"

The concept of "residency" has been an issue for a number of municipalities over the years. The Attorney General's office has issued the following relevant decisions:

- Op.Atty.Gen.1911-12, p. 606—One who had been resident of state for more than six months but resident of town for only ten days prior to city election would be eligible for office of mayor even though he had not lived in county for 60 days.
- 1939 WL 77362 (Iowa A.G.)—"Physical presence in a town or district, while generally necessary to initiate a residence, is not alone sufficient, but to gain a residence it is necessary that the person should take up his habitation in the place with the intention of remaining, or at least without any present intention of removing."
- 1980 Iowa Op. Atty. Gen. 169—Residency in election law cases is usually determined on a case-by-case basis. Two important features in resolving the validity of voting residence are intent of the voter and conduct of the voter, which must be reasonably consistent with the asserted intent. *See Pike County School District No. 1 v. Pike County Board of Education*, 444 S.W.2d 72 (Ark 1969). Factors that are often considered include frequency of presence, proper ownership, location of personal belongings, as well as social and family ties with a community. *See Gray v. Main*, 309 F. Supp. 207 (M.D. Alabama 1968; *Hardy v. Lomenzo*, 349 F.Supp. 617 (S.D. N.Y. 1972).

In considering the question of residence, the prevailing view is that physical presence, while relevant, is not an absolute prerequisite and that extended absence will not necessarily cause forfeiture of residence. For instance, in one Attorney

General Opinion, voters who graduated from high school, left the county to attend college, and then took jobs with government agencies that required them to live outside the county, were still held to be residents of their home county for voting purposes where they all had families living in the county, had cars registered there, and only rented places where they presently lived. See Ag. Opinion, 1979 WL 20964.

Muscatine Code

The Muscatine Code currently does not include a definition of "residence." Below is some language that could be incorporated into the Code to clarify residency issues and allow for Council review of the same.

- The terms "reside" and "residence" shall mean a person's permanent abode, whether owned or rented, in which the person maintains their actual living quarters. In order to have one's residence in a particular place, one must establish a physical presence there and have the intent to make that place his permanent residence. Neither voting in the City nor payment of taxes to the City shall be deemed adequate to satisfy the requirements of this definition, nor shall "residency" be satisfied by the maintaining of a rented room or rooms by an individual solely for the purpose of establishing residency when it appears that his/her actual residence is outside the City. Factors to be considered include: frequency of presence; property ownership; location of personal belongings; as well as social and family ties with the community.
- The failure of the any person subject to a residency requirement to maintain their residence within the corporate limits of the City shall be grounds for removal. The Personnel Committee is hereby authorized to investigate complaints made to the City with respect to the residency requirement of elected officials. Upon notification or discovery of an official who has violated the residency requirements, the Committee shall make a finding with respect to whether or not such individual is or is not a resident of the City in accordance with the requirements. The Committee shall then recommend such finding to the City Council for a final determination in accordance with Iowa Code Chapter 66.

I would note that the law in this area does not expressly state that residency is a basis for removal under the Iowa Code procedures. However, there is an Attorney General's Opinion from 1974 stating that, in a case where an official was required only to be a resident at the time of election, the official could not be removed after the election when his residence changed. Therefore, since Iowa Code Section 39.27 requires municipal officials to "continue to be a resident," it can be argued that lack of residence would be a ground for removal.

Also, the procedures currently set forth in City Code Section 1-6-9 do not necessarily need to be altered as they already mirror the procedures set forth in Iowa Code Chapter 66; however, one way to reduce the public nature of these types of cases is to—as suggested in the second bullet point above—have the Council assign one of its standing committees to perform the initial investigation of any complaints. That way the initial meetings or hearings can be held with less than a majority of the Council and without the requirement that it be held as a public meeting.

If you need anything else on this issue, please let me know.

Sincerely,

Matt Brick
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CITY OF MUSCATINE
RULES OF CITY COUNCIL FOR THE CITY OF MUSCATINE
MUSCATINE, IOWA

Chapter 1	Sessions of the Council
Chapter 2	Agenda
Chapter 3	Details Pertaining to Order of Business
Chapter 4	Motions
Chapter 5	Ordinances
Chapter 6	Rights and Duties of Councilmembers
Chapter 7	Rights of Participating Audience
Chapter 8	Sergeant-at-Arms
Chapter 9	In-Depth Council Meeting Procedure
Chapter 10	Suspension and Amendment of Rules
Chapter 11	Open Meetings Law

ADOPTED: January 21, 1988

CITY OF MUSCATINE

RULES OF THE CITY COUNCIL OF THE CITY OF MUSCATINE

CHAPTER 1

SESSIONS OF THE COUNCIL

1.1 The City Council shall hold its regular sessions on the first and third Thursday of each month at 7:00 p.m. in the City Hall, unless the time set shall be a holiday, then such meeting shall be held at the same time and place on the prior secular day which is not a holiday.

1.2 Special meetings may be called in conformity with 1-6-6 of the City Code.

1.3 The City Council shall hold its In-Depth Council meetings (study sessions) on the second Thursday of each month at 7:00 p.m. in the City Hall, unless the time set shall be a holiday, then such meeting shall be held at the same time and place on the prior secular day which is not a holiday.

1.4 Except when absent from the City or temporarily unable to perform his or her duties, the Mayor shall preside over all meetings of the Council and preserve order thereat. The Mayor Pro Tem shall preside during the absence of the Mayor or at the call of the Mayor. In the event of the absence of both the Mayor and Mayor Pro Tem, the Council shall be called to order by the Clerk, and the Council shall immediately select one of its members to serve as Acting Mayor Pro Tem, he or she shall have the same rights and privileges as other members of the Council.


CHAPTER 2

AGENDA

2.1 On the Tuesday before each Council meeting, the City Administrator shall have delivered the Agenda for such Council meeting to the Mayor and each Councilmember. If the Monday prior to a Council meeting is a holiday, then such agenda and attachments shall be delivered on the Wednesday prior to the meeting.

ORDER OF BUSINESS

2.2 At the regular meetings of the City Council, the Order of Business shall be as follows:

1. Opening
2. Roll Call
3. Opening Prayer
4. Pledge of Allegiance
5. Communications - Citizens
6. Minutes - Approval
7. Consent Agenda 
8. Public Hearings
9. Petitions and Communications
10. From the Mayor
11. Planning & Zoning
12. City Administrator
13. Communications Receive and File
14. Approval of Bills
15. Communications - Council Members
16. Other Business
17. Adjournment

**Mandsager
Sticky Note**

Consent Agenda - add minutes, proclamations (except when in attendance) and appointments

2.3 The Council agenda for all items except petitions and communications shall be closed after 5:00 p.m. on the Monday immediately preceding each regular Council meeting. Items received after that time, unless of obvious urgency, shall be held over until the following Council meeting.

CHAPTER 3

DETAILS PERTAINING TO ORDER OF BUSINESS

3.1 Roll Call shall be called at all regular and special meetings of the Council to determine if a quorum is present. Four members of the Council shall constitute a quorum and the Clerk shall announce whether a quorum is present.

3.2 Opening Prayer shall be offered by a member of the Council or one of the City officers, as requested by the Mayor. The Mayor shall also have the privilege of calling upon a clergyman who might be in the audience or who is present upon invitation. The Pledge of Allegiance shall be given by each member of the Council.

3.3 Under "Public Hearings" the Mayor, or a City staff person requested by the Mayor, reports the purpose of the hearing after which time the public shall be given the opportunity to comment on the proposed matter in accordance with the rules outlined under "Rights of Participating Audience".

3.4 Under "Minutes - Approval" the minutes of the previous Council meeting shall be approved upon motion. The City Clerk, prior to the meeting, shall have sent to each Councilmember a copy of the minutes and the reading of such minutes shall not be required unless the reading of certain articles thereof shall be requested by the Mayor or any Councilmember.

3.5 Under "Communications - Citizens" includes such communications, either verbal or written, as anyone in the audience may wish to present and which have not been included under any other item on the Council agenda. Citizens shall be allowed to address the Council in accordance with the provision of "Rights of Participating Audience".

3.6 Under "Petitions and Communications" any petitions or communications from citizens or organizations are to be presented and read, including any applications for license or permits. Communications from anonymous persons are not to be presented.

3.7 Under "From the Mayor" any messages, recommendations or suggestions which the Mayor deems appropriate from time to time are to be presented.

3.8 Under "From the Planning and Zoning Commission" recommendations from the Planning and Zoning Commission will be considered by the City Council. All matters under this item are forwarded from the Planning and Zoning Commission with specific recommendations to the City Council.

3.9 Under "From the City Administrator" includes reports, recommendations, or communications of any nature from the City Administrator, other City departments, and other City boards and advisory commissions. These items, when appropriate, will include specific recommendations from the City Administrator.

3.10 Under "Communications - Receive and File" includes minutes from the various City boards and advisory commissions, special monthly reports, financial reports of the City, and other communications which require no action by the City Council. All items under this section can be received and filed by a single motion of the Council.

3.11 Under "Approval of Bills" the City Council shall consider the payment of all bills as submitted with the Council agenda and as prepared by the Finance Director. The Council shall authorize the payment by motion and authorize the Mayor and City Clerk to issue warrants for the amount requested. Members of the Council may question the payment of any bill and shall be provided with information concerning the bills from the City Administrator.

3.12 Under "Communications - City Council Members" any member of Council shall have the opportunity to present suggestions or recommendations for discussion by the Council.

3.13 Under "Other Business" the Mayor, Councilmembers, City Administrator, or City Attorney may bring up items which are not on the agenda; which items may be of a general nature in the form of information, or in case of an urgency, the matter may require action by the City Council.

CHAPTER 4

MOTIONS

4.1 When a motion is made in writing and seconded, it shall be stated by the Mayor and handed to the Clerk for recording before being debated.

4.2 A motion shall be reduced to writing if requested by the Mayor, any Councilmember, or the Clerk.

4.3 After a motion has been stated by the Mayor or read by the Clerk, it shall be deemed to be in possession of the Council, but may be withdrawn by the maker at any time before a decision or amendment is made.

4.4 When a question is under discussion, no motion shall be received except one of the following, which shall have precedence in the following order.

- 1. To adjourn**
- 2. To lay on the table**
- 3. For the previous question**
- 4. To postpone to a certain day**
- 5. To refer to a committee**
- 6. To amend the motion**
- 7. To postpone indefinitely**

No motion to postpone to a certain day, to refer to a committee, or to postpone indefinitely, having been decided, shall be made again on the same question at the same meeting.

4.5 A motion to lay on the table shall be decided without debate.

4.6 A motion to adjourn shall always be in order, except upon immediate repetition, interruption of a member speaking, when the previous question has been ordered, or a vote is being taken. A motion to adjourn is not debatable, except as to time.

4.7 The previous question, having been moved and seconded, shall be in this form: "Shall the main question be now put?" It shall only be ordered when demanded by a majority of the Councilmembers present, and if carried, shall close all debate and the main question shall be put immediately. If the Nays prevail, the main question shall not

then be put and the consideration of the subject shall be resumed, as though no motion for the previous question had been made.

4.8 On demand of any Councilmember, before the question is put, the question shall be divided if it comprehends propositions in substance so distinct, that, one being taken away, a substantive proposition shall remain for the decision of the Council.

4.9 When any motion has been carried or lost, it shall be in order for any member of the majority to move for a reconsideration thereof, at the same meeting, the adjourned meeting, any special meeting called for this purpose, or the next regular meeting of the Council, and such motion shall take precedence of all other questions except a motion to adjourn. A motion to move for a reconsideration may be seconded by any member of the Council.

4.10 No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. A substitute motion ranks as an amendment to the main motion. It proposes to strike out the entire original motion and to insert in its place a more satisfactory motion.

4.11 Roll shall be called on the expenditures of amounts of \$1,000.00 or more, if requested by the Mayor or any Councilmember.

4.12 Roll shall be called on any action of the Council, if requested by the Mayor or any Councilmember.

4.13 Roll shall be called on any action of any ordinances or resolutions.

4.14 The rules of parliamentary practice comprised in "Robert's Rules of Order - Revised" shall govern the Council in all cases not covered by these Rules of the Council.

CHAPTER 5

ORDINANCES

5.1 The subject matter of an Ordinance or amendment must be generally described in its title.

5.2 An amendment to an Ordinance or to a code of Ordinances must specifically repeal the Ordinance, code, section, or subsection to be amended and must set forth the Ordinance, code, section, or subsection as amended.

5.3 A proposed Ordinance or amendment must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed, unless the requirement is suspended by a recorded vote of not less than three-fourths (3/4) of the Councilmembers.

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However, if a summary of the proposed Ordinance or amendment is published as required prior to its first consideration, and copies are available at the time of publication at the Office of the City Clerk, the Ordinance or amendment must be considered and voted on for passage at one meeting prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths (3/4) of the City Council members.

5.4 Passage of the Ordinance, amendment, or resolution requires an affirmative vote of not less than the majority of the Councilmembers.

5.5 Motion to spend public funds in excess of \$25,000.00 on any one project, or motion to accept public improvements and facilities upon their completion, requires an affirmative vote of not less than the majority of the Councilmembers.

5.6 The Mayor shall sign, veto, or take no action on an Ordinance, amendment or resolution passed by the Council. The Mayor may not vote as a member of the Council in accordance with the provisions of the laws of the State of Iowa.

5.7 Measures passed by the Council, other than motions, become effective in one of the following ways:

- A) If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an Ordinance or amendment becomes the law when published, unless a subsequent effective date is provided within the measure.**
- B) If the Mayor vetoes the measure, he or she shall explain his or her reasons for the veto in a message to the Council at the time of the veto. Within thirty (30) days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds (2/3) of the Councilmembers. If the Mayor vetoes the measure and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon passage, and an Ordinance or amendment becomes a law when published unless a subsequent effective date is provided within the measure.**
- C) If the Mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an Ordinance or amendment becomes a law when published, but not sooner than fourteen (14) days after the date of passage, unless a subsequent effective date is provided within the measure.**

[illegible]

1. Subject: [Blank]

[illegible]

1. The following information is being furnished to you for your information only. It is not intended to be used for any other purpose.

~~CONFIDENTIAL - SECURITY INFORMATION~~

[illegible]

1. The purpose of this document is to provide information regarding the status of the project and the progress made to date. It is intended for the use of the project manager and the steering committee.

2. The project has been initiated and the initial planning phase is complete. The project manager has identified the key stakeholders and the project goals. The steering committee has approved the project charter and the project manager has assigned the project team.

3. The project manager has conducted a detailed analysis of the project requirements and has identified the key risks. The project manager has also identified the key milestones and the project timeline. The project manager has also identified the key resources and the project budget.

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Under the assumption of independence of the two sets of data, the probability of the two sets of data being consistent is the product of the probabilities of each set of data being consistent. This is the same as the probability of the two sets of data being consistent, which is the same as the probability of the two sets of data being consistent.

CHAPTER 6

RIGHTS AND DUTIES OF COUNCILMEMBERS

6.1 When any Councilmember is about to speak, he or she shall address the Mayor, confine himself or herself to the question under discussion, and avoid personalities.

6.2 If any Councilmember in speaking or otherwise, transgresses the rules of the Council, the Mayor or any member may call him or her to order, in which case the Councilmember so called to order shall immediately refrain from continuing except to proceed in order. An appeal may be made to the Council on the ruling and the ruling shall stand unless nullified by a majority vote of the Councilmembers present.

6.3 When two or more Councilmembers request at the same time to speak on a question, the Mayor shall name the Councilmember who was first to speak. The others shall be given the opportunity to speak next.

6.4 While a member is speaking, other members shall not hold private discussions or in any other manner interrupt the speaker.

6.5 No Councilmember shall be absent from any meeting of the Council without having notified the Mayor or Clerk in advance, giving the reasons for his or her absence. The Council may compel the attendance of any Councilmember if reasons for absence are deemed insufficient.

No Councilmember shall absent himself or herself from the City for more than two consecutive meetings unless notice has been given in advance of such intention, approval of the Council has been attained, and a record thereof made in the Journal of the Council.

6.6 No Councilmember shall refuse to serve on any Committee to which he or she is appointed.

6.7 Unless specifically otherwise provided in the City Code, or in the laws of the State of Iowa, each Councilmember shall vote on each question before the Council for a determination unless such Councilmember has a direct conflict with the issue, which conflict shall be ruled upon by the City Attorney.

CHAPTER 7

RIGHTS OF PARTICIPATING AUDIENCE

7.1 When any member of the audience has a matter to bring before the Council, he or she shall address himself or herself to the Mayor, giving his or her name and

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REMARKS OF THE PRESIDENT

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REMARKS OF THE PRESIDENT

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address and present the matter either verbally or in writing. If the matter presented is presented in writing, the petition or communication shall be filed with the Clerk for the records of the Council.

7.2 No member of the audience shall speak more than once on any question unless every other member of the audience or Council has had the opportunity to speak on such subject, and in no case shall a member of the audience speak more than twice on the same question without the consent of the Council. The total time for speaking by any member of the audience shall be FIVE MINUTES, unless the Mayor extends the time.

7.3 When two or more members of the audience rise at the same time, the Mayor shall name the one to speak first. The other shall be given the opportunity to speak next.

7.4 If any member of the audience speaks or conducts himself or herself in an unbecoming manner, the Mayor shall have the right to call him or her to order and he or she shall immediately there upon be seated and shall not speak further unless he or she conducts himself or herself in an orderly manner.

7.5 Members of the audience shall address all remarks to the Mayor and shall not hold conversations or discussions with other members of the audience.

CHAPTER 8

SERGEANT-AT-ARMS

8.1 The Sergeant-at-Arms shall attend any meeting at the request of the presiding officer of the Council or any Councilmember.

8.2 It shall be the duty of the Sergeant-at-Arms to enforce any written order of the Council or the presiding officer.

CHAPTER 9

IN-DEPTH COUNCIL MEETING PROCEDURE

9.1 In-Depth Council meetings are held as study sessions for the purpose of deliberating towards a decision on any matter. Normally, action will not be taken on the matters discussed at In-Depth Council meetings unless an item has been specifically placed on the agenda. Any matter considered an urgency by Council and requested for action at an In-Depth Council meeting shall require approval (by simple majority) of Council before acting on the matter.

Mandsager
Sticky Note

Five Minutes (or Three)

9.2 The rules of Council shall not apply to study sessions except for the rules contained in this section and except for the following, it being the intent thereof to give the Council complete freedom of discussion:

- A)** The presiding officer shall be the Mayor as provided in Section 1.4 of these rules.
- B)** All persons shall be permitted to address the Council during the In-Depth Council meetings in accordance with Chapter 7 of these rules. The Council may adopt the motion to refer any matter brought before it and may adopt the motion to adjourn at any time.
- C)** Minutes of the In-Depth Council meetings shall be kept in accordance with the provisions of the State of Iowa laws and with the City Code and are to be submitted for approval at a subsequent regular meeting under the same procedures outlined in Section 3.4 of these rules.

CHAPTER 10

SUSPENSION AND AMENDMENT OF RULES

10.1 The Council may suspend any specific rule of the Council upon a three-fourth (3/4) vote of the members present. After having given written notice at a previous regular meeting, these rules may be amended at any regular meeting by a three-fourth (3/4) vote of the members of Council.

CHAPTER 11

OPEN MEETINGS LAW

11.1 All meetings conducted by the City Council shall be held in accordance with the Iowa Open Meetings Law, Chapter 28A of the Iowa Code, and as amended.

11.2 Closed sessions of City Council shall be held in accordance with Chapter 28A of the Iowa Code. Closed sessions may only be held on an affirmative vote of two-thirds (2/3) of the members of Council or all of the members present at the meeting.

11.3 The City Council shall not discuss any business during a closed session which is not directly related to the specific reason announced as justification for the closed session.

11.4 Final action by the City Council on any matter discussed in closed session shall be taken in open session unless some other provision of the Iowa Code expressly permits such action to be taken in closed session.

11.5 Closed meetings of Council may be held for any of the following reasons:

- A) 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.**
- B) To discuss application for letters patent.**
- C) 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.**
- D) 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.**
- E) To discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.**
- F) To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.**
- G) 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.**
- H) 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.**
- I) 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. The minutes or the tape recording of a session closed under this paragraph shall be available for public examination when the transaction is completed.**

CHAPTER 12

CABLECASTING CITY COUNCIL MEETINGS

12.1 All regular City Council meetings shall be cablecast over the local government channel.

12.2 Starting July 1, 1988, all In-Depth City Council meetings shall be cablecast on a three (3) month trial basis.

12.3 Special City Council meetings shall not be cablecast unless required by a majority vote of City Council.