

CITY COUNCIL WORK SESSION

Cedar Falls Council Chambers

January 19, 2021

The City Council held a special work session at City Hall via teleconference at 5:10 p.m. on January 19, 2021, with the following persons in attendance: Mayor Robert M. Green, Frank Darrah, Susan deBuhr, Kelly Dunn, Simon Harding, Daryl Kruse, Mark Miller, and Dave Sires. Staff members attended from all City Departments.

Mayor Green introduced the only item on the agenda, Administrative Policy No. 7.

Mayor introduced City Attorney Kevin Rogers.

Attorney Rogers explained that the Code of Ordinance contains several provisions related to Council procedure and that it is located in chapter 2 of the Code of Ordinances. Administrative Policy No. 7 fills in the gaps of governing Council procedure when meetings are conducted and is adopted by resolution. Anyone reviewing these documents should read the Code of Ordinance and Administrative Policy No. 7. If the two conflict, the Code of Ordinances would prevail. The Administrative Policy No. 7 repeats verbatim many or all of the code provisions. Administrative Policy No. 7 is accessible to the public at cedarfalls.com, Government, City Council Meeting Procedures. Mayor Green showed Administrative Policy No. 7 and stated it was adopted in 1991 and last amended April of 2018.

Mayor opened the meeting for discussion.

Councilmember Harding asked to discuss having public forum at the end and beginning of council meetings and for clarification of committees between the ordinance and Administrative Policy No. 7, as they are different.

Attorney Rogers stated the ordinance and Administrative Policy No. 7 policy should be consistent.

Councilmember Harding asked about options with regard to the committee structure. Attorney Rogers stated that Council should clarify committee structure and if the committees that are listed in the ordinance are going to be utilized. He also stated that if committees will not be utilized, an ordinance change is in order. Councilmember Harding asked if Committee of the Whole not being listed in the ordinance is a problem. He also asked if the ordinance and Administrative Policy No. 7 would need to be changed. Attorney Rogers stated that the Administrative Policy No. 7 didn't get in the way and it's talking about something different. He stated Council could choose to operate in a Committee of the Whole forum and adopt a resolution to that effect. Rules of Council procedure being in the Code of Ordinances is unusual. Council can choose to just go by the Administrative Policy No. 7; which means having something set forth in the Administrative Policy No. 7 that's not in the Code of Ordinances is acceptable as long as there's no conflict. Councilmember Harding asked about amending the ordinance to take out the committees and just following the committee structure in Administrative Policy No. 7. Attorney Rogers confirmed amending the ordinance to take

out committees is acceptable. Councilmember Harding asked if Administrative Policy No. 7 committees can then be changed by resolution. Attorney Rogers confirmed. Mayor asked if there was consensus to pull committee names out of City Ordinances and just list them in Administrative Policy No. 7. Councilmember Kruse asked to table discussion on committee structure until the Work Session. Attorney Rogers confirmed we have three committees in the Code of Ordinances and two listed in Administrative Policy No. 7. Councilmember Harding agreed to delay discussion on committee structure. Councilmember Harding suggested taking committees out of City Code and listing them in Administrative Policy No. 7 by name. Councilmember Kruse again suggested reviewing committee structure after Council Work Session. Councilmember Harding suggested giving staff direction to change the City Code of Ordinances to not list each committee and instead have them outlined only in Administrative Policy No. 7. Mayor directed Councilmembers to Code of Ordinances, Article II, 2-68, and suggested removing section (b): "The following shall be the standing committees: (1) Administration, (2) Public Works and (3) Community Relations and Planning." Councilmember deBuhr agreed Council should wait until after Work Session for discussion. Councilmember Sires agreed.

Mayor Green asked for Council discussion on other topics in Administrative Policy No. 7. Councilmember deBuhr stated the reason public forum was suggested to be moved to the beginning of the Council meeting is so the public doesn't have to wait until the end of Council meetings to speak. Councilmember Kruse stated the public can email or call Councilmembers at any time. After discussion from all Councilmembers, Councilmember deBuhr suggested moving it to the beginning of the agenda and giving the public five minutes. Councilmembers agreed.

Mayor Green stated he'd like to discuss clarification of part II, rule 6 in Administrative Policy No. 7. He noted that rule 6 doesn't specify how to call a special meeting, other than filing by four Councilmembers in writing or via email. Councilmember Kruse stated council updates or referrals could result in a special meeting and be voted upon by four Councilmembers. Councilmember Miller asked about sending an email to Council and Mayor requesting a special meeting. If three others were to agree, would this be appropriate? Attorney Rogers confirmed that it is appropriate, but when starting to suggest a day/time and any mention of the merits of the topic, it could become very problematic. Councilmember Kruse stated that in the past he's requested items be circulated to the City Administrator, Mayor, Legal Counsel and Councilmembers for review and asked for response. Attorney Rogers stated if a Councilmember contacted the City Clerk stating they had a topic for discussion for a special meeting, this would be appropriate. A special meeting item can be requested to be placed on the agenda for discussion and Attorney Rogers confirmed this is the cleanest way. Attorney Rogers will clarify rule 6 wording and bring something to Council. Councilmember Harding asked if it would be appropriate for four City Councilmembers to request a special meeting by contacting the City Clerk. Attorney Rogers confirmed this procedure would be the most time effective. Councilmember Harding suggested doing a group email to all Councilmembers, Mayor and the City Clerk and have individual Councilmembers reply to the City Clerk. Councilmember Darrah asked if there are stipulations on calling a special meeting. He suggested contacting the Mayor if a special meeting is wanted by a

Councilmember and then Mayor can decide if a special meeting is desired. Councilmember deBuhr suggested leaving rule 6 as is and there was a consensus to do so. Councilmember Harding suggested clarifying it to four Councilmembers' request via the City Clerk.

Mayor Green brought up the decorum in meetings and wanted to spell out some of the information from Robert's Rules of Order for the public to see. Examples: Confining remarks to the merits (being germane), refraining from attacking a member's motives, refraining from disturbing the assembly, addressing all remarks to the chair and avoiding the use of member names. Councilmember Kruse stated if the City operates under both Administrative Policy No. 7 and Robert's Rules don't Robert's Rules automatically apply. Mayor Green confirmed they do apply, but very few people have Robert's Rules to refer to and having a few of these rules clarified in Administrative Policy No. 7 would be helpful. Councilmember Harding agreed to add some rules on the decorum in the meeting. Mayor Green asked if anyone was opposed to bringing forward a draft. Councilmember deBuhr recommended keeping these short and stated that it is brought up in rule 56 (Applicability of Robert's Rules of Order). Attorney Rogers stated public forum rules also bar comments that could be construed as a personalized attack, impertinent or slanderous towards another party. Mayor Green stated that he would call that more of a convenience item/question. If someone speaks directly to Councilmembers he can refer them to address the Mayor and refer them to Robert's Rules. Councilmember Kruse agreed with Susan that Rule 56 covers it.

Mayor Green asked for final comments. If none, staff will move forward with a draft.

There being no further discussion, Mayor Green adjourned the meeting at 5:51 p.m.

Minutes by Kim Kerr, Administrative Supervisor