



AGENDA
CITY OF CEDAR FALLS, IOWA
CITY COUNCIL WORK SESSION
TUESDAY, JANUARY 19, 2021
5:10 PM AT CITY HALL VIA VIDEO CONFERENCE

To protect against the spread of the COVID-19, the meeting will be held via video conference. The public may access/observe the meeting in the following ways:

- a) By dialing the phone number +13126266799 or +19292056099 or +12532158782 or +13017158592 or +13462487799 or +16699006833 and when prompted, enter the meeting ID (access code) 962 7287 1738.
- b) iPhone one-tap: +13126266799,,96272871738# or +19292056099,,96272871738#
- c) Join via smartphone or computer using this link: <https://zoom.us/j/96272871738>.
- d) View the live stream on Channel 15 YouTube using this link: <https://www.youtube.com/channel/UCCzeig5nIS-dIEYisqah1uQ> (view only).
- e) Watch on Cedar Falls Cable Channel 15 (view only).

Call to Order by the Mayor

1. Administrative Policy No. 7.
(40 Minutes, Attorney Rogers and Mayor Robert Green)



Administrative Policy No. 07

Subject: City Council Meeting Procedures

Adopted: 01/28/91 **Amended:** 04/2003; 10/2006; 12/2013, 09/15/2014, 10/06/2014, 03/07/2016, 03/06/2017, 04/03/2017, 04/16/2018

Introduction:

Ordinance No. 566, adopted on March 25, 1927, establishes the rules of conduct for Cedar Falls City Council meetings and the passage of motions, resolutions and ordinances.

Purpose:

This policy is intended to describe the steps necessary to comply with the rules of conduct described by ordinance.

Procedure:

Part I. General Provisions

Rule 1. Scope of rules. These rules shall govern the conduct of the council and shall be interpreted to insure fair and open deliberations and decision-making.

Rule 2. Applicability of Robert's Rules of Order. In all cases not provided for by the Cedar Falls code of Ordinances, or not specifically provided for in these rules, Robert's Rules of Order shall govern all points of order arising during a city council meeting, but failure to comply with such rules shall not affect the legality of any action of the council in any manner or to any extent.

Rule 3. Matters not covered. Any matter of 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 the city attorney or his/her representative 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 to the statutes of the State of Iowa and the ordinances of the City of Cedar Falls.

Part II. Time and Place of Meeting

Rule 5. Regular meetings. Regular meetings of the Cedar Falls City Council shall be held the first and third Monday of each month at 7:00 P.M. in the City Hall Council Chambers, except when Monday falls on a legal holiday, then the meeting shall be held at the regular hour on the next succeeding day not a holiday, provided, however, council may, by resolution, reschedule any regular meeting to another date and time, or may cancel a meeting. All hearings shall be scheduled for 7:00 P.M. the day of a regular meeting. (Sec. 2-41 (a))

Rule 6. Special meetings. Special meetings may be called by the mayor or by any four councilmembers. A call for a special meeting shall be filed with the city clerk. The agenda for the special meeting shall specify the day, hour and subject of the meeting and shall be posted in City Hall and notice given to the media 24 hours in advance. (Sec. 2-41 (b))

Rule 7. Quorum. A majority of all members elected to the City Council shall constitute a quorum for transaction of business. (Sec. 2-42)

Part III. Agenda

Rule 8. Preparation of agenda. Prior to each council meeting the city clerk shall prepare an agenda that contains all items the council anticipates acting upon at the meeting. The order of business shall be as follows:

- a) Approval of Minutes.
- b) Agenda Revisions.
- c) Special Presentations, if necessary.
- d) Special Order of Business, primarily public hearings and related actions.
- e) Old Business.
- f) New Business:
 - 1) Consent Calendar.
 - 2) Resolution Calendar.
 - 3) New ordinances that do not require public hearings.
- g) Bills and Payroll.
- h) City Council Referrals.
- i) City Council Updates.
- j) Executive Session, if necessary.
- k) Public Forum.
- l) Adjournment.

Rule 9. Consent Agenda. In preparing an agenda, the city clerk shall separately designate items as Consent Calendar or Resolution Calendar, which may be acted upon by the council under Rule 61. These items shall consist of routine non-controversial items that in the city clerk's determination can be appropriately considered in bulk at the council meeting or a listing of resolutions which are subject to council

action on that date.

Rule 10. Hearings and Special Order of Business. The city clerk shall prepare as a separate portion of the agenda a schedule of hearings and special presentations or items of business.

Rule 11. Agenda deadline. Any member of the council, the city administrator, city attorney, city clerk, or departmental director, with the mayor's approval, may have an item included upon the agenda by requesting the city clerk to include the item by noon on the Thursday preceding the council meeting. Agendas will be available to the public at 4:00 P.M. on the Friday preceding the council meeting. Council packets will be assembled and distributed to councilmembers, department directors, mayor, city administrator, city attorney and official newspaper by 5:00 P.M. on the Friday preceding the council meeting, and the public may request copies of materials related to council items on the Monday of the council meeting during normal office hours unless otherwise prescribed by public notice.

Rule 12. Extra items. Items requested or filed after noon on the Thursday preceding a council meeting shall not be included upon the agenda unless the mayor shall deem the item of sufficient urgency to warrant immediate council action.

Rule 13. Sponsor required. The city clerk shall not place upon the agenda any matter for reconsideration unless sponsored by the mayor, a councilmember who voted on the originally prevailing side or a council member who was absent at the time of the original action (Rules 40, 52 and 53 also address motions to reconsider). The renewal of a previous motion that is still applicable shall be placed upon the agenda of a subsequent council meeting upon the sponsorship of any member of the council.

Rule 14. Mayor withdrawal of items. The mayor may withdraw any item prior to the council meeting, but in withdrawing the item shall state to the council the reason therefore. An item withdrawn by the mayor may nonetheless, in the discretion of the council, be acted upon in its regular order.

Rule 15. Council action to defer, continue or not act. A member of the council may not withdraw any item prior to the start of council meetings, provided however, a council member wishing council to defer action or continue an item has a right to have a motion to continue, defer or not act on any item considered before any other action which council may consider.

Rule 16. Public agenda requests. Someone from the public may request to have an item placed on the agenda by filing such request in writing with the mayor prior to noon on the Thursday preceding the regular council meeting. The mayor may either grant the request by placing it on the next agenda or deny the request for stated reasons, conveyed to the requester. Anyone may utilize the Public Forum portion of the meeting agenda to raise any issue not on the formal agenda, which issue shall then be governed by the rules set forth in Part X.

Any visual aids that a speaker desires to have displayed during City Council or Committee meetings must be submitted to the City Clerk by 10:00 a.m. on the day of the Council meeting for Mayor review and approval.

Part IV. Conduct of Meetings.

Rule 17. Roll call. Before proceeding with the business of the council, the city clerk shall call the roll call of councilmembers present and enter those names in the minutes. The city clerk shall determine the presence of a quorum as required by law and these rules.

Rule 18. Call to order. The mayor or mayor pro tem shall call the meeting to order at the appointed hour. In the absence of the mayor or mayor pro tem, the city clerk shall call the meeting to order and a temporary presiding officer shall then be selected under Rule 19.

Rule 19. 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 most senior council member present shall preside. In the event two or more members equally possess the greatest seniority, then the eldest person among them shall preside.

Rule 20. 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 21. Mayor to decide question of priority of business. A question relating to the priority of business shall be decided by the mayor without debate. (Sec. 2-82)

Rule 22. Order required when question is being put. While the mayor is putting the question, no one shall walk across or out of the council room. (Sec. 2-83)

Rule 23. Speaking on questions restricted. No councilmember shall speak more than twice on one question before the council without leave of the council, nor more than once in any case until every member choosing to speak shall have spoken. (Sec. 2-84)

Rule 24. Mayor to recognize speaker. When two or more councilmembers rise at once to speak at a council meeting, the mayor shall name the member who is to speak. (Sec. 2-86)

Rule 25. Calling member to order; appeal. A member of the council called to order while speaking at a council meeting shall immediately cease speaking unless permitted to explain. If there is no appeal, the decision of the chair shall be conclusive, but if the member appeals the decision of the chair, the council shall decide the

question without debate. (Sec. 2-87)

Rule 26. Order required while others are speaking. While a member is speaking, no member shall hold any private discourse. (Sec. 2-88)

Rule 27. Motions to be seconded; when to be written. No motion shall be put or debated unless seconded. When a motion is seconded, it shall be stated by the mayor before debate and every motion shall be reduced to writing if required by the mayor or any councilmember. (Sec. 2-89)

Rule 28. Gaining the floor. Every councilmember, previous to speaking, shall address the mayor, and say, "Mr./Madam Mayor," and shall not proceed with remarks until recognized and named by the chair. (Sec. 2-85)

Rule 29. Order of consideration of agenda. Except as otherwise provided in these rules, each agenda item shall be considered in the numerical order assigned by the city clerk. Each agenda item shall be separately announced by the presiding officer, or city clerk, for purposes of discussion and consideration. To announce an item, it shall be sufficient to identify the item by the number assigned by the city clerk, unless greater specificity is requested by some person in attendance. This rule shall not apply to consideration of items under Rule 61 or Rule 62.

Rule 30. Discussion. A councilmember shall speak only after being recognized by the presiding officer. A councilmember recognized for a specific purpose shall limit remarks to that purpose. A councilmember, after being recognized, shall not be interrupted except by the presiding officer to enforce these rules.

Rule 31. Presiding officer's right to enter into discussion. The mayor (or other presiding officer) may enter into any discussion.

Rule 32. Limit on remarks. Each councilmember shall limit his or her remarks to a reasonable length.

Rule 33. Presiding officer's right to speak last. The presiding officer has the right to close debate and speak last on any item.

Rule 34. Closing debate. Discussion, including public participation, shall be closed on any item by the presiding officer with the concurrence of a majority of the council. Except as provided by Rule 46, 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 the public will be helpful to the council.

Part V. Public Participation

Rule 35. Public's right to address council. Persons other than councilmembers shall be permitted to address the council only upon items listed on the agenda, unless

excluded under Part X.

Rule 36. Manner of addressing council. A person desiring to address the council shall first be recognized by the presiding officer and then shall step to the podium, state his or her name, address, and group affiliation (if any) and speak clearly into the microphone.

Rule 37. Time limit on speaker remarks. Speakers shall be limited to five minutes speaking time per item, unless additional time is granted by the presiding officer. The presiding officer will advise the speaker when one minute remains. Total speaker input on any subject under council consideration can be limited to a fixed period by the presiding officer. A majority vote of the council may extend the time limitations of this rule.

Rule 38. Remarks of speaker to be germane. Speaker comments must remain civil and be directed to the subject under consideration. The presiding officer shall rule on the germaneness of speaker comments. Speakers making comments that could be construed to be a personalized attack, impertinent or slanderous remarks towards another party shall be barred by the presiding officer from further comment before the council during the meeting.

Part VI. Council Action

Rule 39. Motion required. All action requiring a vote shall be moved by a member of the council.

Rule 40. Motion to reconsider. A motion to reconsider must be made by a council member who was on the prevailing side in the original action or by a councilmember absent at the time of the original action.

Rule 41. Rule 40 of these Rules notwithstanding, when less than seven members of the council are in attendance at a meeting and an agenda item fails to receive a majority of affirmative or negative votes of those in attendance, then the agenda item shall, upon the request of any councilmember in attendance at the meeting, be placed by the city clerk on the agenda for the next council meeting, and continued thereafter upon the agenda for subsequent meetings until it shall receive a majority of affirmative or negative votes of those in attendance. In the event an item continued under this rule is consideration of an ordinance, the ordinance shall not be considered to have been read or considered for its first or any subsequent passage unless it shall receive four affirmative votes.

Rule 42. Majority vote required for adoption. No resolution or ordinance shall be adopted without a concurrence of a majority of all of the members of the council by call of the ayes and nays that shall be recorded. Passage of a motion requires a majority vote of a quorum of the council. As used in this section, "all of the members of the council" refers to all of the seats of the council including a vacant seat and a seat where

the member is absent, but does not include a seat where the councilmember declines to vote by reason of a conflict of interest. (Sec. 2-107)

Rule 43. Preferential motions.

- a) When a question is under debate the only motions in order shall be:
 - First To adjourn.
 - Second The previous question.
 - Third To lay on the table.
 - Fourth To postpone indefinitely.
 - Fifth To adjourn to a certain day.
 - Sixth To refer.
 - Seventh To amend.

b) Such motions shall be given precedence in the order herein arranged, the first three (3) to be decided without debate. (Sec. 2-94)

Rule 44. When motion to adjourn is in order. A motion to adjourn the council shall be in order except:

- a) When a member is in possession of the floor.
- b) While the members are voting.
- c) When adjournment was the last preceding motion.
- d) When it is decided that the previous question shall be taken. (Sec. 2-95)

Rule 45. Amendment, debate of motions to adjourn. A motion to adjourn simply cannot be amended, but a motion to adjourn to a given time may be and is open to debate. (Sec. 2-95)

Rule 46. Putting the previous question; call for vote. When a council member desires to make a motion to cease debate and to proceed to a vote on the pending question, the member shall make a motion as follows: "Shall the main question be now put?" If this is carried, all proposed amendments and all further motions, debates and public participation shall be excluded, and the question put without delay. This motion requires a two-thirds vote of the council members present for it's adoption. (Sec. 2-96)

Rule 47. Debate of motions to table, amendment. A motion to lay a question on the table simply is not debatable, but a motion to lay on the table and publish, or with any other condition, is subject to amendment and debate. (Sec. 2-97)

Rule 48. Indefinite postponement of motions. When a motion is postponed indefinitely, it shall not be taken up again during the same meeting. (Sec. 2-98)

Rule 49. Precedence of motions to refer to committee. A motion to refer to a standing committee shall take precedence over a similar motion for a special committee. (Sec. 2-99)

Rule 50. Motions to amend.

a) A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be entertained. (Sec. 2-100 (a))

b) An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order. (Sec. 2-100 (b))

Rule 51. Motions to strike and insert. On a motion to strike out and insert, the paragraph to be amended shall first be read as it stands, then the words proposed to be struck out and those to be inserted, and finally the paragraph as it would stand if so amended. (Sec. 2-101)

Rule 52. When motion may be reconsidered; renewal of motion. A motion may be reconsidered at any time during the same meeting at which the motion was made, or at the first meeting held thereafter. A motion for reconsideration, being once made and decided in the negative, shall not be renewed before the next meeting. (Sec. 2-102 (a))

Rule 53. Who may move to reconsider. A motion to reconsider must be made and seconded by the members who voted on the prevailing side, or by those who were absent and did not vote upon the motion to be reconsidered. (Sec. 2-102 (b))

Rule 54. Withdrawal of motions. After a motion or resolution is stated by the mayor, it shall be deemed to be in the possession of the council, but may be withdrawn at any time before decision, but if any amendment has been proposed or adopted, it shall be withdrawn without the consent of the mover of such amendment. (Sec. 2-91)

Rule 55. Duty to vote; conflict of interest. Each councilmember who is present when a question is stated from the chair of the council shall vote thereon unless he/she is directly interested in the question, in which case he/she shall not vote. In case any member refuses to vote when not excused, his/her vote shall be recorded in the negative. (Sec. 2-93)

Rule 56. Applicability of Robert's Rules of Order. In all cases not herein provided for, Robert's Rules of Order shall govern all points of order arising not governed by these rules, but failure to comply with such rules shall not affect the legality of any action of the council in any manner or to any extent. (Sec. 2-108)

Rule 57. Consent required to suspend, amend rules. The foregoing rules may be temporarily suspended by consent of three-fourths of the councilmembers present, but shall not be repealed, altered or amended unless by concurrence of two-thirds of all the councilmembers elected. (Sec. 2-109)

Rule 58. No motions by presiding officer. If the presiding officer is a councilmember, they shall not make a motion.

Rule 59. Division of question containing distinct propositions. If a question in

debate contains several distinct propositions, any member may have the same divided prior to the vote thereon when the sense of it requires such division. (Sec. 2-92)

Rule 60. Separate consideration. Except as otherwise allowed by these rules, each agenda item shall be voted upon separately and shall be recorded by the city clerk.

Rule 61. Action on Consent Agenda. Except as herein provided, the Consent Agenda comprised of the Consent and Resolution Calendars shall be considered in bulk and voted upon in single motion or resolution. Each councilmember shall advise the presiding officer of any matter on the Consent Agenda upon which he/she wishes to speak or to vote no. At the time of consideration of the Consent Agenda, the presiding officer shall announce the items upon which councilmembers have indicated they wish to speak or vote no; items upon which any councilmember wishes to speak shall be considered separately and not as a portion of any motion calling for action upon the remainder of the Consent Agenda. The city clerk, on all matters contained in the Resolution Calendar shall record the yes and no votes on each item separately as if each item had been moved and voted upon separately. Rule 29 shall not apply here.

Rule 62. Action on multiple items. With the consent of a majority of the council, Rule 60 hereof notwithstanding, the council may consider for voting purposes more than one item, but in such event the vote upon each item will be separately recorded by the city clerk noting specific yes or no votes of each councilmember on each item.

Rule 63. Consideration out of order. With the consent of the council, any agenda item may be considered out of order at the request of a councilmember.

Rule 64. Recording names of moving members. The city clerk shall record the name of the councilmember making each motion. (Sec. 2-90)

Rule 65. Consideration of matters not on agenda. Except as to matters that by law require the publication of notice before consideration by the council, any member of the 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 matter only if it does not conflict with the Iowa Open Meetings Law or may direct such matter be included upon a later agenda.

Part VII. Miscellaneous

Rule 66. 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 67. Applicability of rules. These rules shall apply to the council when meeting in any form.

Rule 68. Hearings. Any other rule to the contrary notwithstanding, unless required by statute or necessary to conform to proceedings required 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 69. 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 the mayor, city administrator, city attorney, city clerk or any departmental director.

Part VIII. Committee Structure

Rule 70. Appointment of committees; standing committees enumerated. All standing committees shall be appointed by the mayor and all special committees shall be appointed by the mayor unless specifically directed by the council. All standing committees of the council shall be appointed by the mayor annually at the first regular meeting of the council in January of each year, or as soon thereafter as practicable, and the first person named on each committee shall be the chair of such committee. The following shall be the standing committees:

- a) Administration.
- b) Committee of the Whole:

Except for matters which the Cedar Falls Code of Ordinances, or the express provisions of these rules, specifically direct be submitted to the Administration Committee, or except as otherwise directed by the council, it is the desire and intent of the council that all matters which are referred, or which are to be referred, to a committee of the council, shall be referred to the council's Committee of the Whole.

Rule 71. Number of committee members.

The standing committees of the council shall consist of all seven members, with the Mayor serving as non-voting chair of the committee of the whole. All special committees shall consist of five members each, unless some other number is specified. (Sec. 2-62)

Rule 72. Procedure for committees to report. Standing and special committees of the council to whom references are made, in all cases, shall report in writing the state of facts, with their opinion, which opinion shall be summed up in the form of an order, resolution or recommendation, unless otherwise ordered by the council. (Sec. 2-64)

Rule 73. City clerk to forward papers to committees employed. The city clerk shall forward all the papers to the appropriate committees and officers as soon as possible after the reference shall have been made. (Sec. 2-63)

Rule 74. Acceptance of final report discharges special committees. On the acceptance of a final report from a special committee of the council, the committee shall be considered discharged without a vote, unless otherwise ordered. (Sec. 2-65)

Part IX. Ordinance Adoption

Rule 75. Ordinances to be presented in writing. All ordinances shall be presented in writing before being considered by the council. (Sec. 2-103)

Rule 76. Consideration and passage of ordinances. Ordinances must be considered and voted upon for passage at three separate council meetings, unless this requirement is suspended by a recorded vote of not less than three-fourths of all of the members of the council. (Sec. 2-104)

Rule 77. Procedure for passage of ordinances. The following procedure shall be followed by the council in the passage of all ordinances:

- a) A motion to pass the ordinance upon its first consideration or a motion to suspend the rules requiring ordinances to be considered at three (3) separate council meetings.
- b) In the event the ordinance is passed upon its first consideration, the ordinance shall be given the second and third considerations either in adjourned meetings of the meeting of its passage on first reading, or at some following special or regular meetings of the council.
- c) In the event that a motion to suspend the rules has passed, a motion shall be made to adopt the ordinance upon its third and final consideration.
- d) Upon the passage of the third and final consideration of the ordinance, the mayor shall declare the ordinance duly passed and adopted.

Rule 78. Contents of amendments to ordinances. An amendment to an ordinance must specifically repeal the ordinance, or the section, subsection, paragraph, or subpart to be amended, and must set forth the ordinance, section, subsection, paragraph, or subpart as amended. (Sec. 2-105)

Part X. Public Participation Procedures

The City of Cedar Falls encourages the attendance and participation of the public at its meetings. Public participation is permitted through the four following areas:

- 1) Anyone may address the council during the Public Forum segment of the agenda regarding any issue not on the agenda that is an issue exclusively related to City operations or business. No formal action on the subject presented by the speaker may be taken by the council, other than a referral to City staff or a council committee or placement on an upcoming council agenda, as restricted by State statute. Public Forum is not to be used as a platform for individuals running for elected office at any governmental level.
- 2) A speaker may address the council on any public hearing item specifically listed on the council agenda during that portion of the public hearing when the presiding officer is soliciting public input.

- 3) A speaker may address the council on any item listed under Old or New Business or under the Consent or Resolution Calendars of the council agenda.
- 4) Anyone may request an item be placed on the council agenda by filing such a request in writing with the mayor prior to noon on the Thursday preceding a regularly scheduled council meeting. The request shall then be processed in accordance with Rule 16 of the adopted City Council Meeting Procedures.

However, to avoid violating adopted personnel policies, Iowa law, and Iowa collective bargaining laws, employees and collective bargaining groups will not be recognized to speak about employment related issues during City Council meetings. Employees and collective bargaining groups should utilize the processes specifically defined and granted by Iowa Code and adopted City personnel policies.

Public participation through any of the four areas described above shall be in compliance with the following rules:

- 1) Anyone desiring to address the council shall first be recognized by the presiding officer and then shall step to the podium, state his or her name, address, and group affiliation, if applicable, the item of city council business to which the person desires to speak, and speak clearly into the microphone.
- 2) Each speaker shall be limited to five minutes speaking time per item, unless additional time is granted by the presiding officer. The presiding officer will advise the speaker when one minute remains. Total speaker input on any subject under council consideration may be limited to a fixed period of time by the presiding officer. A majority vote of the council may extend the time limitations imposed by this rule.
- 3) Speaker comments must remain civil and be directed to the subject under consideration. The presiding officer shall rule on the germaneness of speaker comments. Any speaker making comments that could be construed to be a personalized attack, impertinent, or slanderous remarks towards another party shall be barred by the presiding officer from further comment before the council during the council meeting.
- 4) No issue raised by a speaker under the rules of this Part X shall be debated by the City Council.

(Previously #91-0001)