

**GOVERNING BODY RULES OF PROCEDURE
CITY OF WINDSOR HEIGHTS, IOWA**



Updated February 16th, 2022
Adopted February 22nd, 2022

PART I. GENERAL

1. AUTHORITY

Iowa Code Section 372.13(5) and Windsor Heights City Code Section 17.04(4) provide that the City Council shall determine its own rules of procedure. The following set of rules shall be in effect upon adoption by the Council until such time as they are amended or new rules adopted.

2. GENERAL RULES

- A. Public Meetings.** All official meetings of the Council shall be open to the public except those that are specifically designated as a closed session. Regular Council meetings shall be held in a building or room that is accessible to persons with disabilities, which is usually the Windsor Heights City Council Chambers, located at 1133 66th Street, Windsor Heights, Iowa 50324. For Council meetings held in part or in whole at other locations for any purpose, that meeting space shall be accessible to persons with disabilities to the maximum extent possible.
- B. Quorum.** Three (3) out of the total (5) members of the City Council shall constitute a quorum for the transaction of business. If a quorum is not present, those in attendance may elect to discuss items but not take official action except to adjourn to a later date.
- C. Matters Not Covered.** The most current edition of *Robert's Rules of Order* shall govern any matter or procedure not covered by these rules.

3. TYPES OF MEETINGS

- A. Regular Meeting.** Regular meetings of the Windsor Heights City Council shall be held at 6:00 PM on the first and third Mondays of each month at the Windsor Heights City Council Chambers. If a regular Council meeting day falls on a legal holiday, the meeting shall be held on the next succeeding day that is not a legal holiday at the same hour unless a different day or time is determined by the Council.
- B. Work Sessions.** The Council may conduct workshop meetings or study sessions on matters which are expected to come before the Council for information 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. Workshops and study sessions may be conducted informally and shall require formal action to be taken at a regular Council Meeting.
- C. Special Meetings.** Special meetings may be called by the Mayor or by a majority of the members of the Council. Unless an emergency meeting is required such notice must be delivered at least twenty-four (24) hours prior to the meeting.

D. Closed Sessions. Iowa Code Sections 20.17, 21.5 and 21.9 permit closed sessions for certain specified reasons. A vote to go into a closed session requires an affirmative vote of either two-thirds of the Council members or all of the members present at the meeting. Any formal action shall be taken by motion or resolution adopted in open session.

4. OPEN RECORDS AND MEETINGS LAWS

- A. **Notice.** All meeting notices and agendas shall be timely posted on the official city bulletin board located at the entrance to the Windsor Heights City Council Chambers and shall be timely furnished to those media enterprises that have filed a written request for notice with the City.
- B. **Minutes.** A set of minutes of all proceedings of the Council shall be kept by the City Clerk or designee, and shall be entered in the official record of the Council. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. 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 matter. The minutes shall be public records open to public inspection.

5. AGENDA

- A. **Preparation of the Agenda.** Prior to each regular Council meeting, the City Clerk shall publish an Agenda which contains all items the Council anticipates acting upon at the meeting. All written petitions, communications and other matters to be submitted to the City Council for inclusion in the agenda packet for consideration at a scheduled regular, special, or other meeting should be delivered to the City Clerk no later than noon on Wednesday before the scheduled meeting.
- B. **Adding Items to the Agenda.** Except for items added by Council Member(s) under this following paragraph, the Mayor may add or delete items from the agenda.

A Council Member may request the Mayor to add an item to the agenda. If the Mayor believes the request is unreasonable or detrimental, the Mayor will inform the requesting Council Member that a second Council Member's support is required. The request for a second Council Member's support must be communicated no later than noon on Wednesday before the scheduled meeting; otherwise, the item will not be added to the agenda. Once a requested item is added to the agenda, only the requesting Council Member(s) or a majority of the City Council may remove it.

The presiding officer shall have the authority to change the order of items on the agenda during the meeting.

- C. **Consent Agenda.** The Agenda shall separately designate items on a "Consent Agenda" which may be acted upon by the Council as 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 this portion of the agenda, the rest of the Consent items will be acted on as a whole with the removed item(s) being voted on separately.
- D. **Hearings Agenda.** The Clerk shall include legally required public hearings in a separate section of the agenda designated as "Public Hearings." Unless it is 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 be closed by the presiding officer or by other formal action of the Council.

6. CONDUCT OF THE MEETINGS

- A. **Roll Call.** A majority of all City Council members shall constitute a quorum for the transaction of business. Before proceeding with the business of the Council, the City Clerk shall note members present, and enter those names in the minutes. The clerk shall determine the presence of a quorum as required by law and these rules.
- B. **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, in accordance with Rule C of this section.
- C. **Presiding Officer.** The Mayor, or in the Mayor's absence or incapacity, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. If both the Mayor and Mayor Pro Tem are absent the Council members present will select the presiding officer by vote.
- D. **Control of Discussion.** The presiding officer shall facilitate discussion of the Council on Agenda items to promote equitable participation in accordance with these rules.
- E. **Order of Consideration of Agenda.** Except as otherwise provided in these rules, each Agenda Item shall be considered in the order shown on the Agenda. Each Agenda item shall be separately announced by the presiding officer, or City Clerk, for purposes of discussion and consideration. This rule shall not apply to consideration of items listed on the Consent Agenda. If the Mayor or other members of the Council asks to "suspend the rules" for purposes of reordering the Agenda, the Council shall take a vote to modify the placement of the Agenda item(s) for good cause.
- F. **Call for the Question.** The "Call for the Question" is a motion calling for the Council to vote on whether or not to vote on the original motion. This motion must be seconded and debate is not allowed. If the motion for the question passes, then a

vote must be held on the original motion. Passage of the motion calling for the question occurs when 2/3 of the Council present votes "aye".

- G. **Discussion.** A Council member shall speak after being recognized by the presiding officer. A Council member, after being recognized, shall not be interrupted, except by the presiding officer, in the event it is necessary to enforce these rules.
- H. **Limit on Remarks.** Each Council member shall limit his/her remarks to a reasonable length. A Council member recognized for a specific purpose shall limit remarks to that purpose.
- I. **Presiding Officer's Right to Enter into Discussion.** The Mayor, or other presiding officer as a member of the Council, may enter into any discussion.
- J. **Presiding Officer's Right to Close Debate.** The presiding officer has the right to close debate and speak last on any item unless 2/3 of the Council members present vote to continue the discussion.
- K. **Votes Necessary for Passage.** Three (3) Council members constitute a majority of the Council and therefore three (3) votes are sufficient for the passage of any policy matter. Any exceptions to these rules are specifically noted.
- L. **Mayoral Voting Rights.** The Mayor is not a member of the Council and may not vote as a member of the Council. The Mayor Pro Tem retains all of the powers of a Council member.
- M. **Mayoral Veto Power.** The Mayor may sign, veto or take no action on an ordinance, amendment or resolution passed by the City Council. The Mayor may not veto a motion passed by the Council. The Mayor Pro Tem may not veto a measure if they were entitled to vote on the measure at the time of passage. The Mayor may exercise veto power within fourteen (14) days of the passage and must explain the reason for such veto to the Council Members at the time of the veto. The Council Members may override the Mayor's veto by a two-thirds (2/3) majority or four (4) of the Council Members within thirty (30) days of the veto.
- N. **Reading of Ordinances.** Since a copy of an ordinance under consideration is/has been made available, either by paper copy or electronically, to the Mayor/City Council and the public prior to the meeting the Reading of an Ordinance, by the City Clerk, will be limited to the Title of the Ordinance under consideration.
- O. **Pending Litigation.** The Mayor and City Council shall not discuss City matters involved in pending/active lawsuits with litigant(s) or litigant's representatives unless the City Attorney is present to provide legal guidance.
- P. **Employee Criticism.** Elected officials should avoid expressing concerns about the performance of a City employee in public or to the employee directly.

- Q. **Electronic Participation.** If a quorum of the City Council is physically present, a Council member may appear by telephone or other electronic means and shall be entitled to vote and participate as if they were personally and physically present at the meeting. A Council member shall notify the presiding officer or the City Administrator of their intent to appear by telephone or other electronic means as soon as possible.

7. CITIZEN PARTICIPATION

- A. **Citizen's Right to Address Council.** Persons other than the Mayor or a Council member shall be permitted to address the Council during the "Citizen Forum" or new business or public hearing portions of the Agenda or at other times as determined by the Mayor or the City Council.
- B. **Manner of Addressing Council.** A person desiring to address the Council shall step to the podium, state his/her name, address, and group affiliation (if any) and speak into the microphone and direct comments to the Mayor and City Council.
- C. **Time Limit on Citizen's Remarks.** An individual citizen shall be limited to five minutes speaking on any subject covered unless that time is limited or extended by the presiding officer or a majority of those Council members present. Total citizen input on any subject under Council consideration may be limited to a fixed period by the presiding officer or a majority of those Council members present.
- D. **Remarks of Citizens to be Germane and not related to Pending/Threatened Litigation.** Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of citizen comments. Citizens making personal, impertinent, or slanderous remarks shall be barred by the presiding officer from further comment before the City Council during that meeting. Citizens should not address the City Council on any item related to pending or threatened litigation.
- E. **Electronic Participation.** The aforementioned standards of Citizen Participation shall apply to meetings held via videoconference.

8. COUNCIL ACTION

- A. **Motion Required.** All actions requiring a vote shall be moved and seconded by a member of the Council.
- B. **Motion to Reconsider.** A motion to reconsider a prior vote shall be made by a Council member who was on the prevailing side in the original action. The motion to reconsider may be made at the same meeting of the original action, or at either of the next two (2) regularly scheduled meetings of the City Council immediately successive to the original action.

- C. **Motion to Rescind.** A motion to rescind, or “strike out” a previous action of the council, shall be passed by a two-thirds (2/3) vote of the Council. A motion to rescind may be made at any time prior to the motion that is seeking to be rescinded being executed in an irreversible manner.
- D. **No Motions by Presiding Officer.** The presiding officer shall not make a motion but may vote if the presiding officer is not the Mayor at the time of the vote.
- E. **Call for Vote.** At any time in the debate, the presiding officer may call for a vote. Alternatively, 2/3 of those Council members present may call for a vote at any time.
- F. **Separate Consideration.** Except as otherwise required by these rules, each Agenda Item shall be voted upon separately. Each motion shall require a second and each vote shall be recorded by the City Clerk. The Mayor or any member of the Council may request that a roll call vote be taken on a specific issue. The presiding officer will then direct the City Clerk to call for each Council member present to cast his\her vote individually. The City Clerk will then read the results of the roll call.
- G. **Council Votes Necessary to Overturn Protests, Amendments or Rezonings.** In the case of a written protest against a change or repeal which is:
 - a. Filed with the City Clerk and signed by more than twenty percent (20%) or more of the owners of the lots included in the change; or
 - b. By the written protest of the owners of twenty percent (20%) or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed; or
 - c. To overturn an amendment or rezoning when the Planning and Zoning Commission denied the application.

In these cases, a three-fourths (3/4) vote of all the members of the Council would be necessary for passage. The protests, if filed, must be filed before or at the public hearing.

- H. **Council Votes Necessary to Pass Assessments.** Assessments require a two-thirds (2/3) vote of the Council or four (4) Council Members unless a remonstrance is filed in which case all five (5) Council members must vote to approve the assessment. A remonstrance occurs when 75% of the assessments within the special assessment district file a petition against the project.
- I. **Council Votes Necessary to Suspend Rules and Waive Third Readings of an Ordinance.** A three-fourths (3/4) vote, or four (4) Council members, is necessary to suspend the Rules and waive the third reading of an ordinance. The Council may waive the second and third readings of an ordinance if public notice was published in this manner. In order to waive the second and third readings, there must be a three-fourths (3/4) vote, or 4 Council members voting in the affirmative.

- J. **Abstentions Due to Conflict of Interest.** If it is determined by any member of the City Council that he or she has a conflict of interest on an agenda item, said member shall so declare the nature of his\her conflict prior to commencement of discussion of the agenda item.

Abstentions due to conflicts of interest shall not count as votes for the purpose of determining whether there has been an affirmative vote of a majority of the members present, but shall be counted for the purpose of determining whether a quorum is present. The vote of member(s) who abstain due to conflict of interest shall be registered as an abstention.

- K. **Abstentions Not Due to a Conflict of Interest.** Any Member of the City Council who has not declared a conflict of interest but casts a pass vote or abstains from voting shall have that vote registered as a no vote.

9. COMMITTEES, BOARDS AND COMMISSIONS

- A. **Creation of City Committees, Boards and Commissions.** The Mayor and/or the Council may create City committees, boards, and commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify. No City committee, board or commission shall have powers other than advisory to the Council or the City Administrator, except as otherwise specified by the Code of Ordinances or the Code of Iowa.
- B. **Regional Committees, Boards and Commissions.** The Mayor and/or the Council shall take part in regional committees, boards or commissions to further regional cooperation and increase efficiency in City operations.
- C. **Membership and Selection.** The membership and selection of City and regional committees, boards and commissions shall be provided by the Mayor, subject to Council approval, if not specified by the Code of Iowa or the Code of Ordinances. City committees shall, at a minimum, consist of the Mayor, two City councilors and the appropriate City staff. City committees are encouraged to have at least two citizens and if appropriate, a member of the chamber of commerce and a representative from any local organization. Regional committee, board or commission assignments shall consist of a primary and an alternate, unless the committee, board or commission requires otherwise.
- D. **Procedure.** City committees shall meet as needed. Each City committee shall select a chair, responsible for facilitating discussion of the committee agenda. Every member of a City committee is a voting member, aside from City staff, who shall only act as liaisons or in an advisory role. Minutes of the meeting shall be kept by a member agreed upon by the City committee. The minutes shall, at a minimum, show the results of each vote taken and information sufficient to indicate the vote of each member present.

- E. **Removal.** A City committee member may be removed upon recommendation of the committee due to inactivity, failure to participate or other misconduct. That member shall be replaced in accordance with this subsection.
- F. **Abolishment of City Committees, Boards and Commissions.** A City Committee, Board or Commission may be abolished by the Mayor or Council action, except as otherwise specified by the Code of Ordinances or the Code of Iowa.

10.SUSPENSION AND AMENDMENT OF THESE RULES

- A. **Suspension of These Rules.** Any provision of these rules not governed by the Code of Iowa may be temporarily suspended by a vote of a majority of the Council. The vote on any such suspension shall be taken by ayes and nays and entered upon the record.
- B. **Inconsistent Actions.** If the Council takes an action inconsistent with these rules but in compliance with the applicable section(s) of the Iowa Code and if the action is taken without objection by any Council member, the action taken shall be deemed a lawful and official action of the City Council.
- C. **Amendment of These Rules.** These rules may be amended or new rules adopted, by a majority vote of all members of the Council and should, at a minimum, be reviewed every two (2) years.