



## Agenda

City Council Work Session Meeting  
Oelwein City Hall, 20 Second Avenue SW, Oelwein, Iowa  
6:30 PM

April 13, 2026  
Oelwein, Iowa

---

**Mayor:** Brett DeVore

**Mayor Pro Tem:** Matt Weber

**Council Members:** Tony Cannon, Anthony Ricchio, Lynda Payne, Jason Gearhart, Renee Cantrell

---

### Pledge of Allegiance

#### Discussions

- [1.](#) Discussion on Open Meetings.
- [2.](#) Discussion on Council Rule and Procedures.
- [3.](#) Discussion on Council Code of Conduct.
- [4.](#) Discussion on Public Comments.

---

### Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440

# Open Meetings

 Updated on October 27, 2025  Posted on December 14, 2016

---

One of the fundamental activities in municipal government is the meetings of its governing body. These meetings are open to the public and city councils, as well as any city boards and commissions, must comply with Iowa's open meetings law. In 2025, the Iowa Legislature passed a law that requires certain city officials to complete an open meetings/open records training (more details below).

## Application to Cities

City councils, as well as city boards and commissions, are required to comply with the open meetings law (*Code of Iowa*, Chapter 21). The law applies to meetings of governmental bodies which are defined as "a board, council, commission, or other governing body of a political subdivision or tax-supported district..." It further applies the law to "an advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on public policy issues." This definition includes most city council subcommittees, many of which do not constitute a quorum of the council but are established to serve as an advisory committee.

## Open Meetings Defined

The open meetings law defines a meeting as "a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any scope of the governmental body's policy-making duties." The definition further states that "meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter."

Councils and their advisory commissions need to exercise caution. For example, a majority of the city council may travel in the same vehicle to a League workshop. This activity is a gathering, but not an official meeting under the open meetings law. However, the gathering becomes a meeting if there is the deliberation of city matters or if there is intent to avoid the law. It is important to restrain from talking about or discussing city business except in strict compliance with the statute.

## Open Meetings Requirements

Meetings must be held in a place reasonably accessible to the public and at a time reasonably convenient to the public. If for good cause such place or time is impossible or impractical, the nature of the cause justifying the departure from these requirements must be stated in the minutes.

A majority of all council seats constitute a quorum. A quorum must be present before any official action can take place. Vacant positions must be included when calculating the number of people that must be present. For example, a city with a five-member council must have three members present to have a quorum, even if there are one or two vacancies.

An Iowa Supreme Court case, *Hutchison v. Warren County*, provided a ruling that impacts the definition of a quorum for governmental bodies. In short, several former county employees alleged the county supervisors violated the open meetings law by not discussing plans for a staff reorganization in a public meeting and rather used a method to discuss plans by having the supervisors individually meet with the county administrator. The majority in the case held that “the definition of meeting in Section 21.2(2) extends to all in-person gatherings at which there is deliberation upon any matter within the scope of the policy-making duties of a governmental body by a majority of its members, including in-person gatherings attended by a majority of its members by virtue of an agent or proxy.”

While the ruling made clear that a majority of the governmental body must be represented to reach a quorum to discuss policymaking at a meeting, it creates a less clear standard as to when using an “agent or proxy” to constitute a meeting. Cities will need to carefully review how council members interact with professional staff to ensure they are in compliance with the law.

Cities must also give public notice for each meeting held, which includes regularly scheduled meetings as well as special meetings, work sessions and other gatherings. The notice must include the time, date and place of each meeting and the tentative agenda. Reasonable notice is defined to include advising the news organizations which have filed a request for notice and posting the notice on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the city’s principal office. If no such office exists, the notice should be posted at the building where the meeting will be held.

Notice must be given at least 24 hours prior to the meeting unless for good cause such notice is impossible or impractical, such as an emergency situation. In this case, as much notice as is reasonably possible shall be given.

## Minutes

Each governmental body is required to keep minutes of all its meetings showing the date, time, place, members present and action taken at each meeting. The minutes must also show the

results of each vote taken and contain information sufficient to indicate the vote of each member present. The minutes are public records open to public examination. In addition, the minutes of council meetings must be published. Section 372.13 of the *Code* mandates that the city clerk publish the minutes within 15 days of a council meeting in a newspaper of general circulation (as defined in Chapter 618 of the *Code*). The minutes must include a list of all claims allowed, a summary of all receipts and show the gross amount of the claim.

Cities with a population less than 200 in which no newspaper is published may meet the publication requirement by posting the minutes in three public places that have been permanently designated by ordinance. All other cities are required to publish their minutes in a newspaper.

For a detailed description of meeting minutes requirements, please see the [Minutes page](#).

## Closed Meetings

Governmental bodies are allowed to close an open meeting “only to the extent a closed meeting is necessary” for reasons listed under Section 21.5 of the *Code*. City councils must carefully consider whether going to a closed session is needed and must follow proper procedure before doing so. For more information, please visit the [Closed Sessions page](#).

## Training Requirement

A law adopted in the 2025 legislative session set a requirement for all new elected officials and those appointed to governmental bodies (at the city government level, common examples include library boards, planning and zoning commissions, boards of adjustments and more) to complete a training on open meetings and open records laws. The training must be completed within 90 days of an official taking the oath of office or assuming the duties of their office.

The Iowa Public Information Board is responsible under the law to oversee the training requirement and provide classes. They are also allowed to authorize other entities to provide training. The law stipulates that the training must be at least one hour, but not more than two hours.

The law also requires a certificate of completion to be provided to each participant, and for governmental entities to preserve such certificates and make them available for public inspection.

More information can be found [here](#) and [here](#).

## Violations

Actions to enforce the open meetings law may be brought by any aggrieved person, taxpayer, a citizen of the state, the attorney general or a county attorney. Actions to enforce the open meetings law have been brought by council members, city employees and various media. The city bears the burden of proving that the meeting was not in violation. In addition, ignorance of the law is not a

defense. Individual members of the council may escape liability from a violation if the person voted against going into a closed session.

Members of the council also cannot be held liable for violations if they reasonably relied upon a decision of a court or a written opinion of the attorney general or their city attorney. For this reason, the League strongly urges cities to consult their city attorney prior to holding a closed session.

The fines for open meetings law violations were increased in a law adopted in 2025 by the state legislature. Each member who violates the law can be fined no less than \$500 and no more than \$2,500; a member who **knowingly** participated in the violation may be assessed damages not more than \$12,000 or less than \$5,000. The members in violation pay this fee to the city. In addition, the costs and reasonable attorney fees are to be paid to the party who established a violation. If the body is found to have had a lawful defense for the violation, the fees and costs must be paid from the city budget.

The [Iowa Public Information Board \(IPIB\)](#) is the state agency that provides oversight of the Open Meetings and Open Records laws. Any citizens has the right to file related complaints with IPIB for a potential investigation.

**Street Address**

500 SW 7th Street, Suite 101  
Des Moines, IA 50309-4506

**Remit Payments to**

PO Box 8296  
Des Moines, IA 50301  
**Phone** (515) 244-7282  
**Fax** (978) 367-9733



**Rules of Procedure for Conduct of City Council Meetings**  
**Oelwein, Iowa**  
**Adopted by City Council Resolution 5494-2023**  
**Amended by Resolution 5678-2024**

1. Rules of Procedure
  - a. The Council shall determine the rules of its own proceedings by resolution, and the Clerk shall keep such rules on file for public inspection.
2. Quorum
  - a. Four (4) out of the total six (6) members of the city council constitute a quorum to do business. When there is no quorum, the Mayor, Mayor Pro Tem, or any other council member shall adjourn the meeting. If no Council Member is present, the City Administrator shall adjourn the meeting.
3. Agenda
  - a. 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 workshop meeting should be delivered to the City Administrator (or designee) no later than Noon on the Thursday preceding a scheduled Monday evening council meeting.
  - b. The City Administrator, in consultation with the Mayor will establish the agenda and the order of the agenda. Council members may request items on the agenda with support from an additional council member or the Mayor. Support from council members must be made in writing. These requirements are to ensure that council is working on policies that the council wants to address.
  - c. The City Administrator (or designee) shall compile the agenda, listing all matters to be considered by the Council according to the order of business, lettering and/or numbering each item consecutively. A copy of the agenda and packet will be posted online by Thursday at 5:00 PM. The agenda packet for any special or workshop council meeting shall be posted online no later than 24 hours prior to the scheduled meeting.
    - i. In the event of an issue posting the agenda the City Administrator will make note to the city council that the agenda will be posted no later than 5:00 PM on the Friday before the city council meeting.
  - d. It is strongly recommended that questions concerning the minutes of a meeting, itemized claims, an agenda item or any supporting documentation for an agenda item or items be submitted by phone, e-mail or in person to the City Administrator for research and/or explanation or correction prior to 12:00 PM (noon) on the day of the meeting. If such a question is posed to the City Administrator for the first time at the meeting of the Council at which such matter is being considered, it shall be appropriate for the Mayor, without further motion, to remove such item from the agenda and postpone consideration to a day certain to afford time for such research as may be necessary.
  - e. The city council shall have the authority to remove items from the agenda and change the order of items on the agenda.
    - i. Removing or reordering items on the agenda is completed by motion when the city council adopts the agenda.
  - f. Although the City Administrator has been delegated considerable authority and responsibility for preparation of the final agenda, there are ample protections. The Mayor and City Attorney have been allocated a slot on the agenda for their respective



communiques and can place what they want before the Council. Similarly, the individual Council members can always ask to have an item addressed under city council Updates.

#### 4. Conduct of Meeting

##### a. Regular Scheduled Meeting.

- i. Meeting Time. The council shall meet in regular sessions beginning at 6:00 PM, local time, on the second and fourth Monday of each month, except upon vote of the city council.
- ii. Meeting Place. Meetings of the Council shall be held in the Council Chambers at City Hall, 20 2nd Ave SW, Oelwein, Fayette County, Iowa, unless otherwise posted and provided in the meeting notice. Attendance shall be limited to the posted seating capacity. While the Council is in session, members of the public shall not remain standing in the Council Chamber, except to address the Council at the request of the presiding officer. Sitting on the floor of the Council Chamber shall not be permitted.
- iii. Meeting Notices. All meeting calls, notices and agendas shall be prepared and given in compliance with state statutes, laws and local ordinances.
- iv. Length of Meeting. The length of any meeting shall be limited to four hours. This limitation may be extended for any particular meeting by an affirmative vote of a minimum of four (4) council members to suspend the rules and extend the meeting by the time required.

#### 5. The Agenda Order

##### a. Order of Business.

- i. Call to Order.
- ii. Pledge of Allegiance.
- iii. Roll Call. (Rotating).
- iv. Approval of Minutes.
- v. Adopt Agenda: Once adopted by the Council, the business of the meeting will follow the printed agenda and all matters will be addressed in the order presented on the agenda, as amended. After the agenda has been adopted, the agenda cannot be changed except by majority vote of the Council.
- vi. Citizen Comments: See the city's Public Comment Policy
- vii. Consent Agenda: The consent agenda shall consist of administrative, routine or non-controversial matters that shall appear on the prepared agenda as such. The items comprising the consent agenda shall be furnished to each council member, Mayor, City Administrator and City Attorney and will not be considered individually and shall be adopted on one motion. The Mayor or any individual Council member may request to remove any item from the consent agenda to be considered and acted upon separately as an individual agenda item.
- viii. Public Hearings: Interested persons or their authorized representatives may address the Council regarding public hearing matters under consideration. The Mayor opens and closes public hearings. No formal resolution or motion is needed to open and close a public hearing unless required by the public hearing. Once the public hearing is closed, further discussion from the public on the matter will be denied, except upon the request of a Council Member through the presiding officer.



- ix. Ordinances. An Ordinance requiring a public hearing shall be considered immediately following the public hearing and shall be given priority on the agenda. Members of the public are invited to participate in the public hearing on the same terms and conditions applicable to “Citizen Comments”. Ordinance shall be voted on by roll call which shall be reported on the face of said Ordinance.
    - 1. All ordinances require four votes of council regardless of the quorum present.
    - 2. All tied ordinances fail and cannot be broken by the mayor.
  - x. Resolutions. A Resolution requiring a public hearing shall be considered immediately following the public hearing and shall be given priority on the agenda. Members of the public are invited to participate in the public hearing on the same terms and conditions applicable to “Citizen Comments”. A Resolution that pertains directly to another item of business may be placed in proximity with said agenda item(s). Resolutions shall be voted on by roll call which shall be reported on the face of said Resolution.
    - 1. All resolutions require four votes of council regardless of the quorum present.
    - 2. All tied resolutions fail and cannot be broken by the mayor.
  - xi. Motions. Items on the agenda may only require a simple motion. Once discussion of the item is ended, the Mayor will call for a motion and a second. A vote shall be taken after the motions affirming the direction of council.
    - 1. A tied motion can be broken by the Mayor if the motion does not lead to a resolution or ordinance.
  - xii. Committee Reports
  - xiii. City Council Updates
  - xiv. Mayor’s Report
  - xv. City Attorney Report
  - xvi. City Administrator’s Report
  - xvii. Executive Session
  - xviii. Public Action on Executive Session
  - xix. Adjournment
6. Mayor and Council Meeting Conduct
- a. Elected officials should come to each meeting having read the agenda packet and asked all questions to the City Administrator before the meeting.
  - b. Council members should remain calm and collective during the meetings. Disagreements will happen and all elected officials should remain professional.
  - c. While passion is allowed in meetings, that passion should never spill into name calling, yelling, or harassment of fellow elected officials or staff.
  - d. Any elected official that raises their voice to a fellow elected official or city staff member should excuse themselves from the meeting for the remainder of the night.
  - e. Elected Officials should refrain from coming with a hidden agenda creating moments intended to embarrass or catch fellow elected officials or city staff off guard. Elected officials should provide their information to fellow elected officials and staff before an item is discussed.
  - f. Elected Officials and staff are on the same team and meetings should be conducted as such.



- g. Mayor and Council are policy makers for the city. Elected officials should not act in an administrative role and should provide high level leadership for the community.

#### 7. Meeting Items

- a. The City Administrator and Mayor shall have the authority to vary the Agenda and recommended schedule to expedite the conduct of business or accommodate persons doing business under consideration of the Council.
- b. The city council can delete and change order of Agenda.
- c. Method of keeping minutes. The minutes of the Council shall be prepared at the direction of the City Administrator and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs with subheadings. The minutes must contain only a record of such business as was actually passed upon by a vote of the Council and shall not be required to contain a verbatim transcript of the proceedings. A record shall be made of the names of persons addressing the Council, the title of the subject to which their remarks relate and whether they spoke in support of or in opposition to such matter.
- d. Remarks of Council. A Council Member may request, through the presiding officer, the privilege of having an abstract of that member's statements on any subject under consideration by the Council entered in the minutes. If the Council consents, such statements shall be entered in the minutes.
- e. Delivery of minutes. The City Administrator (or designee) shall cause a copy of the minutes to be forwarded to the Mayor and each Council Member and department head, typically delivered with the agenda packet for the next regular meeting.
- f. Approve Minutes. The minutes of the preceding council meeting may be approved without being read aloud, provided that the City Administrator has previously furnished each member of the Council with a copy of the minutes and that a majority of the Council has not requested such a reading.
- g. Correction of Minutes. When a Council Member wishes to correct the minutes, that Council Member should contact the City Administrator in advance of the meeting with the correction. The City Administrator will then verify the correction by listening to that meeting's audio recording. Upon verification of an error in the minutes, the City Administrator will provide the corrections to the Council in advance of the meeting, immediately prior to the meeting or during the meeting. If time constraints prevent this procedure, the Council should continue the approval, of the minutes to the next meeting, and direct the City Administrator to verify the error.
- h. Ordinances and Resolutions. All ordinances shall be prepared or reviewed by the City Attorney. Ordinances and resolutions shall be prepared for presentation to the city council upon the request of the Mayor, any Council Member, the City Administrator, or through the initiative of the City Attorney. As time allows, the City Attorney may assist individual Council Members in the preparation of ordinances for future Council consideration. All ordinances, resolutions, and contract documents to be presented to the Council shall first be approved as to form and legality by the City Attorney or an authorized representative. When substantive matters of administration are involved, the ordinance, resolution, or contract shall also be examined for administration by the City Administrator, the head of the affected department, or an authorized representative of the City Administrator.



- i. In the event of a tie on an ordinance, the ordinance dies. The failed ordinance can only be brought back by two members of the dissenting vote. A failed ordinance may be reconsidered after January following a regular city election.
    - ii. In the event of a tie on a resolution, the resolution dies. The failed resolution can only be brought back by two members of the dissenting vote. A failed resolution may be reconsidered after January following a regular city election.
  - i. Closed Sessions. A closed session may be held only by an affirmative vote of a minimum of four (4) members of the entire city council. The city council may hold a closed session only to the extent a closed session is necessary and for the discussion of any statutorily authorized purpose as referenced in the Code of Iowa § 20.17; 2 1.5; 21.9 or other authority of the Iowa Open Meetings law, State Statute or Law. The vote of each member on the question of holding the closed session and the reason for holding the closed session shall be announced publicly at the open session and entered into the minutes. Final action on any matter will be taken in open session. The detailed minutes and audio recording of a closed session shall be sealed and shall not be open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and audio recording shall be unsealed and examined by the court on camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or audio recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or audio recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and audio recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and audio recording of any closed session for a period of at least one year from the date of that meeting, or for as long as the matter is in litigation proceedings.
  - j. Handling Requests during Meetings: The Council has limited authority to act on a Citizen's request that arises during a meeting. The Council is permitted to:
    - i. Give administrative direction to the City Administrator to pursue a resolution of the matter and to report back at a subsequent meeting of the Council
    - ii. Defer official action with instructions that the matter be included for action on a subsequent Agenda of the Council.
    - iii. Waive the rules and amend the Agenda for official Council action. This shall only be appropriate in circumstances which the Council deems to be an emergency. This process shall be guided by the City Attorney.
  - k. In the event of a no vote on an item that council had previously voted in favor for, or provided direction to the City Administrator to commence work on, the city council should take a moment to provide direction to the City Administrator. Ordinances, Resolutions, or motions that are voted no should come with an explanation from city council and provide direction the City Administrator. This ensures the city is moving forward and that progress can be made. Providing direction to the City Administrator ensures no questions will continue to linger after a meeting.
8. Special Meetings.



- a. Special Meetings of the Council may be held at any time, upon request of the Mayor or written petition of at least four Council members. Notice of Special meetings must comply with state law and shall be sent to each member of the Council and Mayor. Special Meetings required to meet a need of a private person or entity shall be required to advance a fee set by annual Resolution of the Council.
9. Workshop Meetings.
- a. The Council may conduct workshop meetings or study sessions on matters which are expected to come before the Council for formal action at a regular meeting or otherwise need study by the Council. Items to be considered will be placed on an agenda as required by the open meetings statutes.
  - b. At workshop meetings the Council will receive information and presentation of issues from the City Administrator and City staff. The city council may ask questions and may request that certain information be provided, or issues be addressed when items are considered further at another workshop meeting or a regular meeting of the Council. Council may direct that matters under consideration be brought forward for formal action at a regular meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before a matter is considered further.
  - c. Final action on items is not taken during workshops or study sessions. No formal vote of the Council in favor or against any workshop or study session agenda item may be taken. The city council should provide direction to the City Administrator to place items on the next city council meeting agenda.
  - d. Workshops are not public hearings. On public hearing items, public testimony will be taken before Council action on the item at a regular meeting. No member of the public or interested party has the right to make a presentation or address the Council on an item under consideration in a workshop or a study session. Questions may be directed by the Council to a member of the public or another interested party or, in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item or a particular question related to an agenda item. The Mayor may limit or end the time for such response to questions or presentation.
10. Electronic Meetings.
- a. A governmental body may conduct a meeting by electronic means only in circumstances where such a meeting in person is impossible or impractical and only if the governmental body complies with all of the following:
  - b. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.
  - c. The governmental body complies with §2 1.4. For the purpose of this paragraph, the place of the meeting is the place from which the communication originates or where public access is provided to the conversation.
  - d. Minutes are kept of the meeting. The minutes shall include a statement explaining why a meeting in person was impossible or impractical.
  - e. A meeting conducted in compliance with this section shall not be considered in violation of this chapter.
  - f. A meeting by electronic means may be conducted without complying with paragraph D(1), above, if conducted in accordance with all of the requirements for a closed session contained in §21.5.



## 11. Committee Meetings.

- a. Subject to approval of the Council, the Mayor may appoint special advisory or ad hoc committees consisting of Council Members, City staff and/or private citizens, as deemed desirable and necessary to assist and advise the city council in its work.
- b. Committee meetings shall comply with all Notice and Open meeting requirements in compliance with State Statute, laws and Local Ordinance. All city council members, the Mayor, City Administrator and City Attorney are welcome to attend any Committee meeting, and notice of all Committee meetings will be provided to each Council member, the Mayor and posted for the public.
- c. Committees shall report, in writing, to the Council as the full Council requests. All Committee recommendations, decisions or proposed action shall be subject to final approval and adoption of appropriate motion, Resolution or Ordinance in formal meeting of the Council as a whole. Committee reports and recommendations shall be approved by a majority of the Committee for presentation to the Council as a whole, although a minority report and recommendation may also be made and considered in the course of the Council's regular deliberations.
- d. All Council Committees shall be comprised of three members unless the full Council specifies. The Committee shall select a Chair unless the Chair is designated by the full Council. The Mayor may take part in discussion during Council Committee meetings.

## 12. Mayor - Duties of Presiding Officer

- a. The Mayor (or in the Mayor's absence, the Mayor Pro Tem) shall be the presiding officer of the Council. In the absence of the Mayor and the Mayor Pro Tem, the City Administrator shall call the city council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Mayor Pro Tem, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote.
- b. The Mayor, as presiding officer, may debate, but may not make a motion.
- c. The principal functions of the Mayor during sessions of the Council are:
  - i. Call the meeting to Order.
  - ii. Announce the Order of business as provided in the Agenda.
  - iii. State motions "on the table".
  - iv. Put motions to a vote, when appropriate, and announce the result of all votes.
  - v. Prevent irrelevant or frivolous debate or discussion.
  - vi. Maintain order and decorum.
  - vii. Vote to break tie votes of the Council on motions that will not ultimately require an Ordinance or Resolution as final action.
  - viii. Otherwise enforce the Council's rules and appropriate parliamentary procedures.
- d. The Mayor Pro Tem, as presiding officer, may debate, vote as a regular Council Member and retains all of the powers as a Council Member. The presiding officer is subject to the limitations of debate that are imposed on all Council Members.



- e. In the absence of the Mayor or Mayor Pro Tem, the City Administrator shall call the meeting to Order and a temporary presiding officer shall then be selected by the Council Members present.
- f. Subject to approval of the Council, the Mayor may appoint special advisory or ad hoc committees consisting of Council Members, City staff and /or private citizens, as deemed desirable and necessary to assist and advise the Council in its work.
- g. Should a meeting approach the 10:00 PM hour, the Mayor shall call for a vote to continue the meeting.

### 13. Council Members

- a. Every Council Member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate. A Council Member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege or appeal of presiding officer's procedural ruling).
- b. Procedure For Council Action. All Council Members shall vote when called upon to do so by the presiding officer. The results of the vote shall then be in the Council Chambers and the results of the vote read aloud by the City Administrator or designee. A roll call vote will be taken of all Council Members' votes on Ordinances or Resolutions. All ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a Council Member, by motion duly made and seconded. Council may chose to debate before a motion is made after the item is introduced by the Mayor. After the vote has been called, there will be no further discussion or debate, except that members of the Council may be permitted by the presiding officer to explain their votes. All ordinances may be introduced and passed by reading the title only. Ordinances shall be read in full only when requested by a majority of the Council.
- c. Disqualification / Abstentions. All members present at any meeting may disqualify themselves or abstain from voting, in which case the disqualification shall be publicly declared and a record made thereof. The City Attorney is available to help Council Members decide if they should declare a disqualification on any issue. In these or other instances Council Members may choose to use the phrase, "...to avoid the appearance of impropriety."
- d. Vote Required. (Reference Code of Iowa §380.4) A city council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance. (Code of Iowa §364.3).
  - i. Failure to provide an audible vote on an issue will be considered a no vote and will be reflected in the minutes as a no vote.
- e. Ordinances, Amendments and Resolutions. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council unless otherwise required by statute (i.e., passage of a Resolution of Necessity in final form). 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 this requirement is suspended by a vote of not less than three-fourths of all the members of the Council. If a proposed ordinance, amendment or resolution fails to receive sufficient votes for passage at any consideration, the proposed ordinance, amendment or resolution shall be considered defeated (Code of Iowa §3 80.3). If the rules requiring three separate readings is suspended and the proposed ordinance fails to pass by the required three-fourths vote,



the proposed ordinance will be placed on the agenda for the next regular meeting of the Council.

- f. Motions. Passage of a motion requires a majority vote of a quorum of the Council. NOTE: The Mayor may cast a vote to break a tie vote of the Council on a motion that does not ultimately require an Ordinance or Resolution for final action. Mayor may not cast a vote on any Ordinance or Resolution.
- g. NOTE: Pursuant to Code of Iowa §380.4, “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 Council Member declines (abstains) to vote by reason of a conflict of interest. A conflict of interest is defined as “a direct relationship or pecuniary interest in a matter.” However, if a Council Member declines (abstains) to vote for any other reason, that Council Member’s seat will be included in “all of the members of the Council.”
- h. Council compensation:
  - i. Members of the Council shall be paid Fifty and No/00 dollars (\$50.00) for each Regular, Special or Committee meetings. (See Oelwein Code of Ord. 3-32)

#### 14. City Administrator

- a. The City Administrator is the chief administrative officer for the city and oversees the day-to-day operations of the city. The City Administrator is responsible for the implementation of all policy decisions of the city council and the enforcement of all city ordinances. The City Administrator appoints, with the approval of the Council, and directly supervises the directors of the city’s operating departments and City Hall. The City Administrator oversees the administration of all city contracts, execution of all public improvements, and the construction, improvement and maintenance of all city properties and facilities. The City Administrator shall prepare the annual budget and submit the budget to the Council for consideration and approval consistent with State law, and presents recommendations and programs to the city council. The City Administrator is responsible for compliance with employment laws and regulations, coordinates the application process for all staff positions on behalf of the City, and maintains information on Civil Service requirements, employment contracts, compensation and city employee benefits, including health insurance, vacation and sick leave

#### 15. Declaration of Policy:

- a. The city council shall select a City Administrator and shall evaluate the performance of the City Administrator on a routine basis. The City Administrator shall work with, coordinate, and supervise the various department heads who have the knowledge, ability and expertise to govern their respective departments, including day-to-day operations, personnel supervision, assignments and expenditures within the limitations of these rules.
- b. Except for the purpose of inquiry, members of the Council shall deal with the various departments of the city through the City Administrator.

#### 16. City Attorney/Legal

- 17. The City Attorney is the chief legal officer of the city, representing the city and its boards, committees, and commissions in legal matters. The City Attorney reviews as needed all proposed ordinances, resolutions, contracts, and other legal documents. The City Attorney represents the city in litigation, advises and prepares legal opinions and prosecutes violations of city ordinances.

#### 18. Decorum During Council Meetings - Addressing Council - Public



- a. See the city's Public Comment Policy
19. Council Procedures and Motions
- a. Motions.
    - i. Motions are the vehicles for decision-making. It is usually best to have a motion before the Council prior to discussing an agenda item in order to help the members focus on the issue before them. Motions are made in a simple two-step process. First, the Mayor recognizes the member. Second, the member makes a motion by preceding his or her desired approach with the words: "I move ...." A typical motion might be: "I move that we give ten days' notice in the future for all our meetings."
    - ii. Any motion made by a member must be seconded by another member. Otherwise the motion fails.
    - iii. When no motion is provided, the item fails for lack of motion.
  - b. The Mayor may initiate the motion by:
    - i. Inviting the members to make a motion: "A motion at this time would be in order."
    - ii. Suggesting a motion to the members: "A motion would be in order that we give ten days' notice in the future for all our meetings."
  - c. Four Basic Motions.
    - i. The basic motion. The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan the annual fundraiser."
    - ii. The motion to amend. If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a ten-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.
    - iii. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."
    - iv. The motion to table. The motion may contain a specific time at which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to bring the item back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.
      - 1. Motions to amend and substitute motions are often confused. A motion to amend seeks to retain the basic motion on the floor but to modify it in some way. A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it. The decision as to whether a motion is really a motion to amend or a substitute motion is left to the Mayor. If a member makes what that member calls a motion to amend, but the Mayor determines it is really a substitute motion, the Mayor's designation governs.



- d. Multiple Motions. Up to three motions may be on the floor simultaneously. The Mayor may reject a fourth motion until the three that are on the floor have been resolved.
- i. When two or three motions are on the floor (after motions and seconds) at the same time, the first vote should be on the last motion made. For example, assume the first motion is a basic motion to have a five-member committee to plan the annual fundraiser. During the discussion of this motion, a member might make a second motion to amend the main motion to have a ten-member committee, not a five-member committee, to plan the annual fund raiser. And perhaps, during that discussion, a member makes yet a third motion as a substitute motion that we not have an annual fund raiser this year.
    1. The proper procedure would be as follows.
    2. The Mayor would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken on the third motion. If the substitute motion passes, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions.
    3. If, however, the substitute motion (the third motion) failed, the Mayor would proceed to consideration of the second (now the last) motion on the floor.
    4. Finally, the Mayor would deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (ten member committee), and the question on time floor for discussion and decision would be whether a committee should plan the annual fund raiser.
- e. Debate. The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Mayor that it is time to move on and take action.
- i. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the city council to move on. The following motions are not debatable, so when the following motions are made and seconded, the Mayor should immediately call for a vote of the Council without debate on the motion:
    1. Motion to Adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
    2. Motion to Recess. This motion, if passed, requires the body to immediately take a recess. Normally, the Mayor determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.
    3. Motion to Fix the Time to Adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For



example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

4. Motion to Limit Debate. The most common form of this motion is to say: “I move the previous question,” or “I move the question,” or “I call for the question.” When a member of the body makes such a motion, the member is really saying, “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the Mayor should ask for a second to the motion. If a second is received, the Mayor should stop debate and the members should vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to fifteen minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.
- f. Majority and Super-Majority Votes. In addition to the specific rules for passage of motions, resolutions, and ordinances as set by State law, there are procedural exceptions to the rule of passage by a simple majority. The exceptions occur when the Council is taking an action that effectively cuts off the ability of a minority opinion to take an action or discuss an item. Although these extraordinary motions require a two-thirds majority (a super-majority) to pass, the uniqueness of this requirement is minimized by the fact that the City of Oelwein is largely governed by a Council of six members. This form of government requires a minimum of four (4) votes to adopt any Ordinance or Resolution and this results in no practical distinction between a majority vote of four (4) voters or a 2/3rd Super Majority vote which also requires a minimum of four (4) votes. The limited situation when this distinction actually makes a difference is when the vote is taken on a motion as follows:
- i. Motion to Limit Debate. Whether a member says. “I move the previous question,” “I move the question,” “I call for the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a minimum of four (4) Council votes to pass.
  - ii. Motion to Object to the Consideration of a Question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of the Council do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable and requires a minimum of four (4) Council votes to pass.
  - iii. Motion to Suspend the Rules. This motion is debatable but requires a minimum of four (4) Council votes to pass. This motion allows the Council to suspend its own rules for a particular purpose.
  - iv. Motion to Reconsider. There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made. A



motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

1. First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider at the same meeting can be made at any time before adjournment. A motion to reconsider made at a later time is untimely.
  2. Second, a motion to reconsider may be made only by certain members of the Council. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the Council may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Council again and again, which would defeat the purpose of finality.
  3. If the motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.
  4. Once a matter has been duly reconsidered, no further motion to reconsider the issue can or shall be made (without the unanimous consent of the Council).
- g. Limiting Debate And Discussion.
- i. Debate and discussion should be focused, but free and open. At the same time, the Mayor may limit the time allotted to speakers, including members of the Council, in the interest of efficiently and effectively using time.
- h. Generally, a Council member will not be interrupted by other council members but may be under the following circumstances:
- i. Privilege. The proper interruption would be: "Point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
  - ii. Order. The proper interruption would be, "Point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting, for example, if the Mayor moved to a vote on a motion that permits debate without allowing that discussion or debate.
  - iii. Appeal. If the Mayor makes a ruling with which a member of the Council disagrees, that member may appeal the ruling of the Mayor to the parliamentarian.
  - iv. Call for Orders of the Day. This is simply another way of saying, "Let's return to the agenda" If a member believes that the Council has drifted from the agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the Council to return to the agenda item properly before them.



- v. Withdraw a Motion. During debate and discussion of a motion, the maker of the motion on the floor may, at any time, interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Mayor may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make them notion if properly
- i. Table A Motion.
  - i. The council meeting agenda is generally modified during a council meeting when voting on the “Agenda Approval.” A motion to table an agenda item during a council meeting can only be used for a reason of urgency such as a Council Member or public participant arriving late or needing to leave early and requesting an item be moved forward. A motion to table, for a reason of urgency, will only bring forward the next agenda item. If more than one item needs to be tabled before reaching the item in question, a motion to table several items at once could be made (i.e., “I move to table Items 8 through 15 in order to proceed with Item 16.”). A motion to table requires a second, is not debatable (the chair may ask the maker of the motion to state their reason for tabling the motion), is not amendable, requires a majority vote for passage and, if adopted, cannot be reconsidered. The tabled item(s) may then be taken from the table by motion, second, and a majority vote as soon as the interrupting issue is disposed of. A motion to table should not be used to postpone an agenda item, to limit public debate, or to suppress a minority of the Council.
  - ii. Items or motions that have been tabled, placed in the care of the City Administrator or Clerk, are not automatically placed on the agenda for the next meeting. If not taken from the table in the meeting at which tabled, there will be a notation made in the meeting’s minutes that the item(s) or motion(s) have been tabled. Council members interested in taking action on a tabled item or motion from the previous meeting must request that the item or motion be placed on the next council agenda.
  - iii. If a Council Member wishes to take action on a tabled item or motion during the meeting at which the item or motion had been tabled, the Council Member must bring back the item or motion by moving to “take (the item or motion) from the table.” The motion to “take from the table” needs a second, is not debatable and requires a majority vote. If an item or motion is not taken from the table during the meeting at which it was tabled or by the close of the next regularly scheduled council meeting, the item or motion dies.
  - iv. Motion to Postpone. Postponing an item or a motion to a specific date and time ensures that the item or motion will be on the agenda at the adopted date and time. Any item or motion which is to be considered at the next meeting should be postponed to that meeting rather than tabled.
- j. Robert’s Rules of Order, 11th Edition, are adopted to supplement these Rules, where not in conflict.

## 20. Miscellaneous

- a. Conflicts of Interest:
  - i. In the event that a member of the Council determines that the member has a direct, definite (demonstrable) conflict of interest regarding an issue before the



Council, then that conflict should be clearly stated at the beginning of Council deliberations.

1. Deliberations: Having a conflict of interest may or may not prevent the Council member from expressing an opinion on the matter under consideration largely determined by that individual Council member's personal judgment.
  2. Vote Prohibited: Having a conflict of interest, however, prohibits the conflicted Council member voting on the issue with legal consequences for a violation.
- ii. What constitutes a "conflict of interest" is often misunderstood and misstated. Obviously, elected officials are frequently motivated to seek office by virtue of their personal contact with government and an interest in what develops thereafter. The mere fact that a Council members life may be affected by a decision or vote does not equate to a conflict of interest. To constitute a "conflict of interest" something must be involved that is direct, definite and capable of demonstration, it cannot be simply a remote possibility.
  - iii. A city officer or employee shall not have an interest, direct or indirect, in any contract for work or material or the profit thereof or services to be furnished or performed (with exceptions) pursuant to Iowa Code 362.5.
  - iv. NOTE: Major exception- Contracts made by a City, upon competitive bid, publicly invited and opened; Iowa Code 362.5(4)
  - v. What constitutes a "conflict of interest" is the frequent subject of litigation and legal opinion. What constitutes a conflict of interest can only be determined by critically applying the law to the unique circumstances presented. A city official or employee presented with a potential question regarding a conflict of interest is instructed to contact the City Attorney. It is the duty of the elected official to state their conflict of interest. City council governs themselves and therefore must hold each other accountable.
- b. Gifts
- i. The State of Iowa has established laws concerning gifts to public officials, which includes elected officials, employees, persons appointed to local boards, committees and commissions (excepting purely advisory). The official definition of a "gift" is "Anything of value given by a person, doing, or seeking to do business with a public agency, within the donee's (recipient's) jurisdiction."
  - ii. Iowa law bans all gifts received from a person who might benefit, except gifts of food or drink having a value of \$2.99 or less per calendar day.
  - iii. A city official or employee presented with a question regarding a potential receipt of a gift, is instructed to contact the City Attorney.
- c. Processing Council Mail
- i. The Mayor (or designee) is authorized to receive and review all mail generally addressed to the city council. All correspondence not requiring the city council's action will be acted upon between council meetings and referred to city staff if appropriate. Action taken on these communications will later be reported to the city council.
- d. Interpretation of the Rules of Procedure



- i. The City Attorney shall be considered the final authority on any questions regarding the application or interpretation of the rules and procedures. In the absence of the City Attorney, the City Administrator shall be considered the final authority on the rules of procedure for the conduct of city council business.
  - e. Preparation and Staff Approval of Ordinances, Resolutions and Contract Documents
    - i. All Ordinances shall be prepared or reviewed by the City Attorney as needed. Ordinances shall be prepared for presentation to the city council only if ordered by majority vote of the city council, requested by the City Administrator, or prepared on the City Attorney's own initiative. As time allows, the City Attorney may assist individual council members in preparation of Ordinances for future city council consideration.
    - ii. The City Attorney review as needed all Ordinances, Resolutions and contract documents to be presented the Council as to form and legality. When substantive matters of administration are involved, the City Administrator and the head of the affected Department shall also examine the Ordinance, Resolution, or contract.
21. Amendment - Repeal
- a. These Rules may be amended, repealed, modified or temporarily suspended by a minimum for (4) votes of the Council.

## **Addendum “A”**

### **CODE OF ETHICS FOR MEMBERS OF THE OELWEIN CITY COUNCIL**

#### **Preamble**

The citizens and businesses of Oelwein are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of Oelwein's Commitment to Excellence, the effective functioning of democratic government therefore requires that: Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Oelwein City Council has adopted a Code of Ethics for members of the City Council to assure public confidence in the integrity of local government and its effective and fair operation.

#### **1. Act in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Oelwein and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Oelwein City Council.

#### **2. Comply with the Law**

Members shall comply with the laws of the nation, the State of Iowa and the City of Oelwein in the performance of their public duties. These laws include, but are not limited to: the United States and Iowa constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

#### **3. Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

#### **4. Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

#### **5. Conduct of Public Meetings**

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

#### **6. Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

In accordance with the law, no member shall participate in the disposition of any matter in which he or she is interested. For purposes of this section "interested" includes any direct or indirect financial or personal interest held by a member or member of his/her family. Before any matter is heard, a member having an interest shall state it and withdraw from participation, or he/she may disclose the facts involved and request a determination by the Council of whether a conflict of interest exists. Any question of the existence or non-existence of a conflict of interest sufficient to disqualify a member from participating in the disposition of any matter shall be decided by a majority vote of the other members of the Council. In case of a tie, the member shall be disqualified.

#### **7. Gifts and Favors**

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits, which might compromise their independence of judgment or action or give the appearance of being compromised.

#### **8. Confidential Information**

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

#### **9. Use of Public Resources**

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

#### **10. Representation of Private Interests**

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City.

#### **11. Advocacy**

Members shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Oelwein, nor will they allow the inference that they do.

**12. Policy Role of Members**

Members shall respect and adhere to the mayor-council structure of Oelwein city government as outlined by the Chapter 372.4 of Iowa Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. The City Administrator/Clerk shall be directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the council shall be brought before the body by the Administrator/Clerk and all Council involvement in administration initiated by the Council must be coordinated through the Administrator/Clerk.

**13. Independence of Boards and Commissions**

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

**14. Positive Work Place Environment**

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

**15. Implementation**

As an expression of the standards of conduct for members expected by the City, the Oelwein Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Oelwein code of ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council and the City Council shall update it as necessary.

**16. Compliance and Enforcement**

The Oelwein Code of Ethics expresses standards of ethical conduct expected for members of the Oelwein City Council. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

City Council members who intentionally and repeatedly do not follow proper ethical standards may be reprimanded or formally censured by the Council. It is the responsibility of the Council to initiate action if a Council member's behavior may warrant censure. Council members should point out to the offending Council member infractions of the Code of Ethics or Code of Conduct.

If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant censure. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The Mayor should ask the City Administrator and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to discussing and counseling the individual on the violations or recommending censure to the full Council to consider in a public meeting.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Council decision.

**Model of Excellence  
Oelwein City Council  
MEMBER STATEMENT**



As a member of the Oelwein City Council, I agree to uphold the Code of Ethics and the Code of Conduct for elected and appointed officials adopted by the City and conduct myself by the following model of excellence. I will:

Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness and respect for others; Respect the dignity and privacy of individuals and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct, which is divisive or harmful to the best interests of Oelwein; Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the City of Oelwein Code of Ethics and the City of Oelwein Code of Conduct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name





## Addendum "A"

### CODE OF ETHICS FOR MEMBERS OF THE OELWEIN CITY COUNCIL

#### Preamble

The citizens and businesses of Oelwein are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of Oelwein's Commitment to Excellence, the effective functioning of democratic government therefore requires that: Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Oelwein City Council has adopted a Code of Ethics for members of the City Council to assure public confidence in the integrity of local government and its effective and fair operation.

#### 1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Oelwein and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Oelwein City Council.

#### 2. Comply with the Law

Members shall comply with the laws of the nation, the State of Iowa and the City of Oelwein in the performance of their public duties. These laws include, but are not limited to: the United States and Iowa constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

#### 3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

#### 4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

#### 5. Conduct of Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

#### 6. Conflict of Interest





In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

In accordance with the law, no member shall participate in the disposition of any matter in which he or she is interested. For purposes of this section "interested" includes any direct or indirect financial or personal interest held by a member or member of his/her family. Before any matter is heard, a member having an interest shall state it and withdraw from participation, or he/she may disclose the facts involved and request a determination by the Council of whether a conflict of interest exists. Any question of the existence or non-existence of a conflict of interest sufficient to disqualify a member from participating in the disposition of any matter shall be decided by a majority vote of the other members of the Council. In case of a tie, the member shall be disqualified.

#### **7. Gifts and Favors**

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits, which might compromise their independence of judgment or action or give the appearance of being compromised.

#### **8. Confidential Information**

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

#### **9. Use of Public Resources**

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

#### **10. Representation of Private Interests**

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City.

#### **11. Advocacy**

Members shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Oelwein, nor will they allow the inference that they do.





## 12. Policy Role of Members

Members shall respect and adhere to the mayor-council structure of Oelwein city government as outlined by the Chapter 372.4 of Iowa Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. The City Administrator/Clerk shall be directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the council shall be brought before the body by the Administrator/Clerk and all Council involvement in administration initiated by the Council must be coordinated through the Administrator/Clerk.

## 13. Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

## 14. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

## 15. Implementation

As an expression of the standards of conduct for members expected by the City, the Oelwein Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Oelwein code of ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council and the City Council shall update it as necessary.

## 16. Compliance and Enforcement

The Oelwein Code of Ethics expresses standards of ethical conduct expected for members of the Oelwein City Council. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

City Council members who intentionally and repeatedly do not follow proper ethical standards may be reprimanded or formally censured by the Council. It is the responsibility of the Council to initiate action if a Council member's behavior may warrant censure. Council members should point out to the offending Council member infractions of the Code of Ethics or Code of Conduct.

If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem.





It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant censure. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The Mayor should ask the City Administrator and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to discussing and counseling the individual on the violations or recommending censure to the full Council to consider in a public meeting.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Council decision.



**Model of Excellence  
Oelwein City Council  
MEMBER STATEMENT**



As a member of the Oelwein City Council, I agree to uphold the Code of Ethics and the Code of Conduct for elected and appointed officials adopted by the City and conduct myself by the following model of excellence. I will:

Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness and respect for others; Respect the dignity and privacy of individuals and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct, which is divisive or harmful to the best interests of Oelwein; Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the City of Oelwein Code of Ethics and the City of Oelwein Code of Conduct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name




## Judge: City's arrest of critic is 'quintessential viewpoint discrimination'

Trial will now determine damages to be paid by City of Newton

BY: **CLARK KAUFFMAN** - FEBRUARY 23, 2026 5:00 PM



 Noah Petersen in front of Newton City Hall. (Photo courtesy of the Institute for Justice)

Declaring that a citizen was “targeted because he criticized the police department and city leadership,” a federal judge has ruled that the City of Newton violated the rights of a critic by twice having the man arrested at city council meetings.

The decision means that Noah Petersen’s lawsuit against the city for violating his constitutional rights can proceed to trial, with the only issue still to be decided being the amount of damages the city might have to pay for those violations.

The lawsuit stems from a rule that city officials created to prohibit citizens from making “derogatory comments” at city council meetings. After Petersen was twice arrested for violating that rule, he sued the city for violating his rights.

In a strongly worded ruling issued Monday, Chief Judge Stephanie M. Rose of the U.S. District Court for the Southern District of Iowa concluded the rule “served as a mechanism for silencing unwelcome criticism while permitting favorable commentary ... The constitutional violations

were not the work of overzealous subordinates acting contrary to city policy. They were the deliberate product of city policy, developed and implemented by the municipality’s highest officials.”

In a written statement issued through his attorneys at the Institute for Justice, Petersen said the court’s ruling “reaffirmed a basic American principle: Public meetings are for the public, and you don’t lose your First Amendment rights when you step up to the microphone. Newton’s leaders tried to treat public comment as a place where only praise is welcome – and when I wouldn’t be quiet, they had me arrested.”

## Mayor cuts off comments, Petersen arrested

The conflict between Petersen and the city dates back to early 2022, when Petersen submitted a written comment to be read, in his absence, at a Newton city council meeting. The city clerk determined Petersen’s comments, which were critical of the police department, violated the city’s “derogatory comments” rule and declined to read it.

In August 2022, Newton Police Officer Nathan Winters arrested 19-year-old Tayvin Galanakis for drunken driving after Galanakis passed all of the sobriety tests. The officer’s body-cam footage of that arrest later went viral, sparking outrage nationwide.

Petersen looked into the matter and discovered that Winters was subject to a civil no-contact order related to allegations of domestic abuse. On Oct. 3, 2022, Petersen attended a city council meeting and, during the public-comment period, he began reading prepared remarks characterizing the police department as “violent” and “pro-domestic abuse.”

Mayor Michael Hansen interrupted Petersen and directed Police Chief Rob Burdess to remove him from the council chambers. When Petersen insisted on finishing his remarks, Burdess arrested him for disorderly conduct. Later, during the same meeting, several other speakers were allowed to make comments that were critical of the city’s rental inspector



Go do your activism somewhere where somebody cares.

– *Newton Mayor Michael Hansen*

---

On Oct. 24, 2022, Petersen attended another city council meeting. During the public-comment period, Petersen called Hansen and Burdess “fascists” who “need to be removed from power” – at which point Hansen gavelled him down, suspended the meeting and ordered Petersen to leave. As Petersen walked toward the exit, a police lieutenant intercepted him and arrested him for disorderly conduct.

Hansen then told the other citizens at the meeting to “go do your activism somewhere where somebody cares” rather than at city council meetings.

The Jasper County Attorney’s Office then declined to pursue the criminal charges against Petersen, explaining to the mayor that the county’s board of supervisors wished to avoid the media attention surrounding Petersen’s arrests. The prosecutor suggested the city impose municipal criminal charges, which would shift the responsibility for prosecution to the city’s attorneys.

The municipal prosecution from the first arrest proceeded to trial in December 2022. The trial court found Petersen not guilty, finding the city’s rule was unconstitutionally vague and overbroad. The city then dismissed the second of the two charges, after which Petersen sued Hansen, Burdess and the city in federal court.

On Monday, Judge Rose granted Petersen’s motion for summary judgment alleging First Amendment retaliation by Hansen and Burdess.

She also granted summary judgment in favor of Petersen as to the city’s liability in the manner, the violation of Petersen’s Fourth Amendment rights, and the violation of the equal protection clause of the U.S. Constitution in connection with the city’s selective enforcement of its rule.

### **Judge: ‘Criticism was restricted; praise was welcomed’**

In rejecting the city’s defense, Rose wrote that “the Constitution does not permit government officials to silence criticism under the guise of preventing defamation. Indeed, no court of last resort in this country has ever held, or even suggested, that prosecutions for libel on government have any place in the American system of jurisprudence. Yet that is precisely what (the city) attempted here. The record demonstrates that the rule was enforced against Petersen not because his speech was actually defamatory, but because it criticized government officials in a manner they found objectionable.”

In her ruling, Rose noted that she found the mayor’s sworn testimony in depositions to be particularly revealing as it spoke to the troubling “subjectivity of his enforcement” of the rule.

“When pressed on why accusations against the rental inspector did not violate the rule, (the mayor) offered shifting explanations: the speaker was a ‘very good friend’ who had called him beforehand; the criticism pertained to a program rather than an individual; the statements were merely ‘opinion,’” Rose stated in her ruling. “Most revealing is the mayor’s own admission that praising the police department would, ‘of course,’ not violate the rule. Criticism was restricted; praise was welcomed. That is quintessential viewpoint discrimination.”

In her ruling, Rose pointed out that the criminal complaint filed against Petersen explicitly stated he was arrested for “speaking negatively towards the mayor of Newton and the police

chief,” and she took issue with the city’s argument that the charges of disorderly conduct were justified given Petersen’s refusal to comply with the city’s rule.

“Petersen had lawful authority to speak,” Rose stated in her ruling. “He was properly recognized and speaking within his allotted time. The mayor interrupted him for violating the rule. But that violation cannot supply probable cause when the rule itself was enforced to silence protected speech while allowing others to continue. (The city) effectively manufactured probable cause by enforcing an unconstitutional restriction that operated as a viewpoint-based ban on criticism of government officials.”

Petersen, Rose found, was “neither boisterous nor disruptive and used no abusive language or gestures” at the city council meetings. “The record reveals that Petersen’s sole offense was insisting on his right to complete his allotted speaking time after being improperly silenced based on the content of his protected speech.”

The city’s attorney, Matthew Brick, did not return a call seeking comment Monday.

“Today’s ruling is a major win for government accountability,” said Institute for Justice attorney James Knight. “From small towns to federal agents, government officials don’t get to use the power of arrest to punish protected speech. The First Amendment doesn’t allow public meetings to become praise-only zones—and it certainly doesn’t allow officials to weaponize the police against dissent.”



Public Comment Policy  
 Oelwein Guidelines for Public Participation during City Council Meetings  
 Adopted by Council Resolution 5495-2023

1. Regular City Council Meetings “Public Comments” on non-agenda items.
  - a. The first opportunity for public comment is listed on the agenda as “Public Comments”. This time is set aside for the public to address the City Council on issues not scheduled on the agenda. It is not to be confused with a public hearing, which is a formal proceeding conducted for the purpose of discussing a specific topic, such as the city budget.
  - b. Anyone wishing to address the City Council must adhere to the following “Rules of Procedure and Decorum”:
    - i. Be recognized by the Mayor or Mayor Pro Tem.
    - ii. State their name and address.
    - iii. Speak from the podium in a civil, non-argumentative and respectful manner.
    - iv. Whenever a group wishes to address the City Council on the same subject, the Mayor may request that a spokesperson be chosen by the group to avoid significant repetitive comments. Follow up comments by others that are similarly minded, should be limited to acknowledging their agreement with the comments made by the spokesperson or any other prior speaker, and not merely repeating previously made comments.
    - v. Each person wishing to speak during the public comment period shall be given three (3) minutes to share their comments.
    - vi. Speakers will be required to speak into the microphone, speak clearly and succinctly, to ensure all in attendance, in person or virtually, can clearly hear and understand what is being said.
    - vii. All remarks shall be directed to the Mayor and City Council as a body rather than to the Mayor, any particular Councilmember, or any member of the staff or audience.
    - viii. If the speaker intends to share any documents the City Council during their comments, a copy must also be provided to the City Clerk. If the speaker is reading a “statement” to the Council, it is requested that a copy of the “statement” be provided to the City Clerk so as to have a clear and accurate record of what was said.
    - ix. Speakers shall refrain from the use of profanity; language likely to incite violence or outbursts from the audience; language that is disruptive to the orderly process of the meeting; engaging in conversations with individual council members; making comments of a personal nature regarding others; shouting, yelling or screaming.
    - x. Speakers shall not continue to address the City Council once they have left the podium and will at no point address or engage in conversation with the Mayor, Council, or staff from their seat.
  - c. Other matters relevant to the Public Comment section reference topics not on the Agenda.
    - i. Should the Mayor or Council request clarifications from the speaker the Mayor, in the Mayor’s sole discretion, may provide additional time to the speaker.



- ii. The Mayor or Mayor Pro Tem, in the sole discretion of the Mayor or Mayor Pro Tem in the absence of the Mayor, may provide additional time or reduce time allowed any speaker and/or make other allowances or judgements deemed appropriate under the circumstances, in the Mayor's capacity as the presiding official.
- iii. In many cases, the speaker will be directed to meet with staff outside of the meeting to further discuss, obtain answers to questions, to resolve the issue, and/or to discuss next steps.
- iv. Other than asking a question to clarify a statement made by the speaker, Council members shall refrain from entering into a dialogue with the speaker. This portion of the agenda is not intended for a discussion or debate between the City Council and the speaker and should not be used for that purpose. Iowa Code requires public notice of all items to be considered/debated to be posted at least twenty-four (24) hours in advance of the meeting. Therefore, Council discussion or debate on a topic brought up in the public comment section would be a violation of Iowa Code.
- v. The Mayor is responsible for maintaining order and decorum and will not allow the speaker, or any other person in attendance, to make personal attacks or inflammatory comments and will, when appropriate, direct any person violating any of the rules set forth herein to be quiet, to sit down and/or return to their seat as appropriate. Failure to comply with directives of the Mayor may result in the person being asked to leave the meeting or removed from the meeting. The Mayor may call for a break or recess to allow the speaker to leave or be removed from the meeting.

2. City Council Meetings "Public Comments" on Agenda Items during the meeting

- a. The City Council meeting is designed for the City Council to discuss and make decisions on the various issues on the agenda. The procedure for introduction, consideration, and action on agenda items is as follows:
  - i. Each agenda item is introduced by the Mayor
  - ii. The Mayor asks for a staff presentation or clarification of any relevant staff report.
  - iii. If dealing with an issue tied to an applicant, the Mayor may ask for comments from the applicant.
  - iv. The Mayor will then request whether any person in attendance wished to comment on the agenda item.
  - v. After the cessation of Council debate and any other comments as appropriate, the Mayor will call for a motion and second.
  - vi. Once a motion has been made and seconded, no additional comments will be received from the public, only City Council debate, with staff input as appropriate, will occur from this point forward.
- b. The rules for addressing the City Council at the designated time during this portion of the meeting are:
  - i. The speaker must be recognized by the Mayor.
  - ii. The speaker must speak from the podium and must provide their name and address for the record.



- iii. At no time will members of the public be allowed to enter into the City Council discussion from their seat. Upon recognition by the Mayor, a person may only be allowed to speak at the podium during the City Council discussion so long as the Mayor finds the comments to be germane, necessary and/or helpful to the City Council.
  - iv. No speaker will be allowed to speak more than once on any agenda item unless clarification is requested by the City Council and permission granted by the Mayor.
  - v. When an agenda includes a “Public Hearing”, any comments from the Public will only be received during the Public Hearing, not after the Public Hearing during consideration of any action item tied to the Public Hearing discussion.
  - vi. All rules set forth above in the “Public Comments” on non-agenda items section of this Policy, unless specifically excepted by the provisions of this section, shall by this reference be applicable to Public Comments on agenda items.
3. Public Hearings
- a. When an item under consideration requires a public hearing by statute, the Mayor will open and facilitate the public hearing. Public comments will be received in the same manner, and subject to, all provisions described and set forth under Paragraph 2 of this Policy.
  - b. Reasonable limitations on the number of speakers and time allowed to speak may be imposed by the Mayor in order to keep the meeting moving.
  - c. Public hearings are held to gather data and opinions from the public to assist and facilitate the decision-making process.
  - d. All rules set forth above in the “Public Comments” on non-agenda items section of this Policy, unless specifically excepted by the provisions of this section, shall by this reference be applicable to Public Comments on agenda items..
4. Public Comments at Council Workshops / Work Sessions.
- a. The committee chair runs the work session. The purpose of work sessions is to allow staff to present material and for the Council to have time to discuss and consider issues in greater detail before taking action.
  - b. Public Comments:
    - i. Because the Workshop/Work Session is designed for discussion among the members of the City Council and staff, public comment is not warranted. A member of the audience may only speak should the chair recognizes a member of the public or interested party or if a Council member requests that a member of the public be recognized. If so recognized, the same rules of decorum as listed for Council meetings apply, and the chair may impose any and all other restrictions deemed appropriate in the sole discretion of the chair.
  - c. All rules set forth above in the “Public Comments” on non-agenda items section of this Policy, unless specifically excepted by the provisions of this section, shall by this reference be applicable to Public Comments on agenda items.
5. Rules of Decorum for the Audience during Council Meetings and Work Sessions
- a. Meeting attendees (the audience):



- i. Will refrain from commenting, clapping, shouting, booing, or other inappropriate and/or disruptive behavior.
  - ii. Will refrain from private conversations during meetings.
  - iii. Should not address Council members in individual conversation or make comments to individual Council members.
6. Contacting City Council Members outside of Meetings
  - a. You may contact your City Council member at any time. Their contact information is on the City's website (<https://www.cityfoelwein.org>) at the button marked Government then City Council. Phone numbers may be provided City Hall should permission be given by the elected official.