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City Clerk's Office
Hiawatha City Hall
101 Emmons Street
Hiawatha, Iowa 52233

Memo

To: Mayor and City Council
From: Kelly Kornegor, City Clerk and Kim Downs City Administrator
Date: March 9, 2017
Re: City Council Policy and Procedures and Code of Ethics

Kim and I are asking for your approval and adoption of the revised City Council Meeting Policy and Procedures including the addition of the Code of Ethics Policy.

We have reviewed this document with our City Attorney and he is in approval of the revisions we have made.

The Code of Ethics is something that the other boards and commissions could modify and adopt on their own as well.

Thanks for your consideration of this matter. Let us know if you have any questions or concerns.

City of Hiawatha City Council Meeting
Policy and Procedures
and Code of Ethics

Adopted: September 3, 2008, by Resolution #08-147

Amended:_____

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I. ~~Part 1:~~ General Provisions

A. Scope

This policy and procedures shall govern the conduct of the City Council and shall be interpreted to insure fair and open deliberations and decision making.

B. Rules of Order

The generally accepted rules of procedure found in Robert's Rules of Order, Newly Revised, shall govern City Council meetings unless otherwise requested by the Mayor or a City Council member for a specific reason.

C. Matters Not Covered

Any matter of order or procedure not covered by these rules shall be decided by the presiding officer, with the assistance and advice of the City Attorney.

D. Interpretation

These rules are intended to supplement, and shall be interpreted to conform with the Statutes of the State of Iowa and the Ordinances of the City of Hiawatha. Should any provision be inconsistent with Iowa law, that provision shall be struck with the applicable Iowa law replacing it.

~~Part 2:~~ II. Time and Place of Meetings

A. Regular Meetings

Regular meetings of the City Council are held on the 1st and 3rd Wednesday's of each month at ~~7:00~~ 5:30 P.M. in the City Council Chambers at 101 Emmons Street, Hiawatha, Iowa. Work Sessions ~~are held on the 2nd Wednesday's of each month~~ may be scheduled throughout the year as determined necessary by City Council. The date and starting time of work session may be scheduled by motion of the City Council. If such a day falls on a legal holiday, the meeting is held the next business day at the same time unless a different day or time is determined by the City Council.

B. Special Meetings

Special meetings may be called 24 hours in advance in accordance with Iowa law ~~State Statutes~~ upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Clerk. The call for a special meeting shall specify the place, day, hour and agenda for the meeting and shall be posted at ~~the~~ City Hall ~~front door~~ and given personally or left at the usual place of residence of each member of the City Council.

A special meeting may be requested by a citizen. The ~~is will result in~~ fees to cover costs associated with the meeting include,~~ing~~ but not limited to, publication cost, attorney and

engineer fees, City Ceouncil member fees and clerk cost. The fees will be set by the City Administrator and City Clerk at the time of the request. Refer to Resolution #99-05.

C. Closed Meetings

A closed session may be held only by an affirmative vote of either two-thirds (2/3) of the entire City Council or all of the members present at the meeting. The City Council may hold a closed session in accordance with Code of Iowa Section 21.5, only to the extent a closed session is necessary and for ~~discussion of any statutorily authorized purpose, including, without limitation, the following~~ one of the following lawful reasons:

1. Records deemed confidential by State or Federal law (Open Records Law Code of Iowa Chapter 22),
2. Application for letters of patent,
3. Present or imminent litigation discussion with legal counsel,
4. Licensing examination or investigation,
5. Law Enforcement matters involving investigations, inspection, auditing, selection, prosecution or settlement of cases,
6. Evaluation of professional competency of an individual for appointment, hiring, performance or firing, when the individual requests a closed session,
7. Real estate matters where premature disclosure could increase the cost to the City.

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 closed session will be ~~tape~~ recorded with detailed minutes noting persons in attendance and the general subject discussed. The minutes and ~~tape~~ recording shall be sealed and not be public record unless an order of the court is made or for a minimum of one year from the date of the meeting.

III. Agenda

A. Preparation of the Agenda

Prior to each regular City Council meeting, the City Clerk shall publish an Agenda which contains all items the City Council anticipates acting upon at the meeting. ~~The Agenda is prepared by a combination of the City Administrator, City Clerk and the Mayor~~Matters may be placed on the agenda by the Mayor, City Administrator, City Clerk and any two (2) City Council members, in consultation with the Mayor and City Administrator. The City Council may adopt the agenda as presented, or may amend the agenda as provided by these rules and then adopt the agenda as amended. The deadline for agenda item submittal shall be no later than ~~the~~ Thursday at 12~~5~~:00 P.M., prior to the Wednesday meeting. ~~Additions and deletions to the agenda shall be in accordance with State Statutes and approved by a combination of the City Administrator, City Clerk and the Mayor~~. City Council packets will be dispersed Friday prior to the Wednesday meeting. After the packets have been dispersed, no items will be deleted or added unless ~~as specified as herein~~approved by the Mayor and City Administrator. If an item is not ready for action at the time of the meeting, that item will be postponed.

B. Posting and Notification

State law requires cities to develop and post a tentative agenda for each City C~~c~~ouncil meeting (including work sessions or informal meetings) at least 24 hours prior to the meeting. This applies regardless of where the meeting is held. "Notice" includes advising those media which have requested such notice, posting notifications in prominent and public locations, and taking other reasonable measures to inform citizens in advance about each meeting. The C~~c~~ity C~~c~~lerk is usually responsible for complying with these requirements.

C. "Tentative" Agendas

The prepared agenda should be considered "tentative" in case a new subject comes up before the 24 hour deadline. If an item considered is time sensitive and cannot be postponed until the next regular meeting, the item can be added to the agenda by the Mayor.

D. Emergency Matters

Issues that arise less than 24 hours prior to the meeting are best postponed unless a strong case can be made for their emergency inclusion. The ~~You should consult with your city~~ City A~~a~~ttorney should be consulted as quickly as possible if a true emergency occurs and an item needs to be added to the agenda. The ~~Your~~ C~~c~~ity C~~c~~lerk should also make an attempt to notify the designated media about this emergency item.

E. Consent Agenda

The Agenda shall separately designate items on a "Consent Agenda" which may be acted upon by the City Council as a single vote. The "Consent Agenda" shall consist of routine, non-controversial items which, may be appropriately considered in total at the City Council meeting. If any City Council member requests to remove an item from this portion of the agenda, the rest of the consent items will be acted on as a whole with the removed item(s) being voted on separately under business.

F. Public Hearings

All public hearings shall be scheduled for ~~7:00~~ 5:30 P.M. on the day of the meeting at which the hearing is scheduled. Unless it is required by statute or necessary to conform to proceedings required for a special purpose, a hearing shall commence when declared open by the presiding officer and shall be closed by the presiding officer or by other formal action of the City C~~c~~ouncil.

~~Part 4:~~ IV. Conduct of Meetings

A. Call to Order – Presiding Officer

The Mayor, or in the Mayor's absence or incapacity, the Mayor Pro Tem, shall be the presiding officer at all City C~~c~~ouncil meetings. The Mayor or Mayor Pro Tem shall call the meeting to order at the appointed hour. If both the Mayor and Mayor Pro Tem are absent the ~~Alternate Mayor Pro Tem shall be the presiding officer at all council meetings~~. City Clerk shall call the meeting to order and a temporary presiding officer shall then be selected by the City Council m~~M~~embers present.

B. Roll Call

~~A majority of all City Council members shall constitute a quorum for the transaction of business.~~ Before proceeding with the business of the City Council, the City Clerk shall call the roll of the members ~~present,~~ and ~~enter those~~ the names of those present shall be entered in the minutes. ~~The clerk shall determine the presence of a quorum as required by law and these rules.~~ The late~~r~~ arrival of any absentee City Council members shall also be entered in the minutes.

C. Quorum Call

During the course of the meeting, should the Mayor note a City Council quorum is lacking, the Mayor shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within a reasonable time limit of a quorum call, the meeting shall be deemed automatically adjourned.

D. Control of Discussion

The presiding officer shall facilitate discussion of the City C~~e~~ouncil on Agenda items to promote equitable participation in accordance with these rules.

E. Order of Consideration of Agenda

Except as otherwise provided in these rules, each Agenda Item shall be considered in the order shown on the Agenda. Each Agenda item shall be separately announced by the presiding officer, or City Clerk, for purposes of discussion and consideration. This rule shall not apply to consideration of items listed on the Consent Agenda. If the Mayor or other member of the City C~~e~~ouncil asks to "suspend the rules" for purposes of reordering the Agenda, the City Council shall take a vote to modify the placement of the Agenda item(s) for good cause.

F. Call for the Question

The "Call for the Question" is a motion calling for the City Council to vote on whether or not to vote on the original motion. This motion must be seconded and debate is not allowed. If the motion for the question passes, then a vote must be held on the original motion. Passage of the motion calling for the question occurs when two-thirds (2/3) of the City C~~e~~ouncil present votes "aye".

G. Discussion

A City Council member shall speak after being recognized by the presiding officer. A City Council member, after being recognized, shall not be interrupted, except by the presiding officer, in the event it is necessary to enforce these rules.

H. Limit on Remarks

Each City Council member shall limit his/her remarks to a reasonable length. A City C~~e~~ouncil member recognized for a specific purpose shall limit remarks to that purpose.

I. Presiding Officer's Right to Enter into Discussion

The Mayor, or other presiding officer as a member of the City Council, may enter into any discussion.

J. Presiding Officer's Right to Close Debate

The presiding officer has the right to close debate and speak last on any item, unless two-thirds (2/3) of the City Council members present vote to continue the discussion.

K. Votes Necessary for Passage

Three (3) City Council members constitute a majority of the City Council, and therefore, three (3) votes are sufficient for passage of any policy matter. Procedural issues are determined as per Robert's Rules of Order. Any exceptions to these rules are specifically noted in ~~these rules~~ this document.

L. Mayoral Voting Rights

The M~~m~~ayor is not a member of the City Council and may not vote as a member of the City Council. The Mayor Pro Tem retains all of the powers of a City Council member.

M. Mayoral Veto Power

The Mayor may sign, veto or take no action on an ordinance, amendment or resolution passed by the City Council. The Mayor may not veto a motion passed by the City Council. The Mayor Pro Tem may not veto a measure if he was entitled to vote on the measure at the time of the passage. The Mayor may exercise his/her veto power within fourteen (14) days of the passage and he/she must explain the reason for such veto to the City Council m~~M~~embers at the time of the veto. The City Council m~~M~~embers may override the Mayor's veto by a two-thirds (2/3) majority or four (4) of the City Council m~~M~~embers within thirty (30) days of the veto.

~~**N. Reading of Ordinances**~~

~~The presiding officer shall ask those present in the room if anyone desires to have the Ordinance read or if someone wants to receive copy of the Ordinance. The City Council shall reserve the right to provide a copy of the ordinance to said person in lieu of reading the ordinance and shall provide a reasonable recess to allow for a review of the ordinance.~~

We don't do this

N. Use of Electronic Devices During Meetings

It is important to remember that communicating with another City C~~c~~ouncil member or member of the audience or public with an electronic device (ie; texting during a meeting) may be a violation of Iowa's open meetings law. As such, any information communicated during such an exchange may be subject to open records laws.

O. Addressing the City Council after Motion Made

When a motion is pending before the City Council, no person other than a City C~~c~~ouncil member shall address the City Council.

P. Adjournment

a. No City Council m~~M~~eeting shall continue past 9:30 p.m. unless a two-thirds (2/3) majority of the City Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 9:30 p.m. shall include a list of

specified agenda items to be covered and shall specify in which order these items shall be handled.

b. Any agenda items not completed at a regularly scheduled City Council meeting shall be continued to the next regular business meeting, or by a two-thirds (2/3) majority vote of the City Council to an adjourned regular meeting.

~~Part 5:~~ V. Citizen Participation

A. Citizen's Right to Address City Council

Persons other than the Mayor or a City Council member shall be permitted to address the City Council during the "Citizen Input", on matters not on the agenda, or public hearing portions of the Agenda or at other times as determined by the Mayor or the City Council.

B. Manner of Addressing City Council

A person desiring to address the City Council shall step to the podium state his/her name, address, and group affiliation (if any) and speak clearly into the microphone and direct comments to the Mayor and City Council.

C. Time Limit on Citizen's Remarks

An individual citizen shall be limited to three (3) minutes speaking on any subject covered under Rule ~~1~~A, unless additional time is granted by the presiding officer or a majority of those City Council members present. Total citizen input on any subject under City Council consideration may be limited to a fixed period by the presiding officer.

D. Remarks of Citizens to be Germane

Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of citizen comments. Citizens making personal, impertinent, or slanderous remarks shall be barred by the presiding officer from further comment before the City Council during that meeting.

E. Decorum

1. No person shall disrupt the orderly conduct of the City Council meeting. Prohibited disruptive behavior includes, but is not limited to, shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the City Council table without consent. Any message to or contact with any member of the City Council while the City Council is in session shall be through the City Clerk.
2. While the City Council is in session, the members must preserve order and decorum. Any of the following shall be sufficient cause for the Mayor to remove any person from the City Ceouncil chambers or meeting hall for the duration of the meeting:
   i. Unreasonably loud or disruptive language, noise or conduct which obstructs the work of conducting of the business of the City Ceouncil.

ii. Willful injury of furnishings or of the interior of the City Ceouncil chambers or meeting hall.

iii. Refusal to obey an order of the presiding officer or an order approved by a majority of the City Ceouncil present.

3. Before removal of disruptive person / persons from the meeting hall, those person / persons shall be given warning to cease his/ ~~or~~ her conduct.
4. If a meeting is disrupted by members of the audience, the presiding officer or a majority of the City Ceouncil present may order that the City Ceouncil chambers or other meeting hall be cleared.

~~Part 6:~~ VI. City Council Action

A. City Council Consideration of Bbusiness

The business of the City Council shall be taken up for consideration and disposition, in accordance with Iowa Code Chapter 21: Open Meeting Laws.

B. Motion Required

All actions requiring a vote shall be moved and seconded by a member of the City Council.

C. Motion to Reconsider

A Motion to reconsider a prior vote shall be made by a City Council member who was on the prevailing side in the original action. The motion to reconsider may be made at the same meeting of the original action or at either of the next two (2) regularly scheduled meetings of the City Council immediately successive to the original action.

D. No Motions by Presiding Officer

The Presiding Officer shall not make a motion, but may vote if the presiding officer is not the Mayor at the time of the vote.

E. Call for Vote

At any time in the debate, the presiding officer may call for a vote. Alternatively, two-thirds~~2/3~~ (2/3) of those City Council members present may call for a vote at any time (See Part IV, ~~Item 6~~Rule F).

F. Separate Consideration

Except as otherwise required by these rules, each Agenda ~~Item~~ item shall be voted upon separately. Each motion shall require a second and each vote shall be recorded by the City Clerk. The Mayor or any member of the City Council may request that a roll call vote be taken on a specific issue. The presiding officer will then direct the City Clerk to call for each City Council member present to cast his/her vote individually.

G. City Council Votes Necessary to Pass Assessments

Assessments require a two-thirds (2/3) vote of the City Council or four (4) City Council m~~M~~embers unless a remonstrance is filed in which case all five (5) City Council members must vote to approve the assessment. A remonstrance occurs when 75% of the assessments within the special assessment district file a petition against the project.

H. City Council Votes Necessary to Suspend Rules and Waive Third Readings of an Ordinance

A three-fourths (3/4) vote, or four (4) City Council members, is necessary to suspend the Rules and waive the third reading of an ordinance. The City Council may waive the second and third readings of an ordinance if public notice was published in this manner. In order to waive the second and third readings, there must be a three-fourths (3/4) vote, or four (4) City Council members voting in the affirmative.

~~I. Abstentions Due to Conflict of Interest~~

~~If it is determined by any member of the City Council that he or she has a conflict of interest on an agenda item, said member shall so declare the nature of his/her conflict prior to commencement of discussion of the agenda item. Upon declaration of his/her conflict of interest the City Council Member member shall be excused from the dais. He/She shall have the right to address the City Council from the floor.~~

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

I. Abstentions Not Due to a Conflict of Interest

Any Member of the City Council who has not declared a conflict of interest but casts a pass vote or abstains from voting shall have that vote registered as a no vote.

~~Part 7:~~ VII. Other Provisions

A. Interaction with Litigants

The Mayor and City Council will not discuss City matters involved in pending/active lawsuits with litigant(s) or litigant's representatives unless the City Attorney is present to provide legal guidance.

B. Electronic Meetings and Attendance

City Council m~~M~~ember participation in scheduled C~~c~~ity C~~c~~ouncil meetings by means of telephone, video and other electronic communication shall be permitted provided ~~under the condition~~ there are at least two-thirds (2/3) of the entire City Council physically present at the meeting.

~~Part 8:~~ VIII. Amendment of Procedural Rules

~~A. Suspending Procedural Rules~~

~~These rules may be suspended by the City Council for the duration of the current meeting following a 2/3 vote or three (3) of the City Council mMembers present.~~

~~B.~~A. Amendments to Procedural Rules

These rules may be amended through a resolution adopting such a change by a majority vote of the entire City Council.

IX. Code of Ethics

Preamble

The citizens and businesses of Hiawatha are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. To ensure the effective functioning of democratic government and foster public confidence in the integrity of local government and its effective and fair operation requires:

Public officials, both elected and appointed (collectively "Public Officials"), 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 the public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

A. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Public Officials ~~members~~ will work for the common good of the people of Hiawatha 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 Hiawatha City Council.

B. Comply with the Law

Public Officials ~~Members~~ shall comply with the laws of the nation, the State of Iowa and the City of Hiawatha 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.

C. Conduct of Members

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

D. Respect for Process

Public Officials ~~Members~~ shall perform their duties in accordance with the policy and procedures and rules of order established by 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.

E. Conduct of Public Meetings

Public Officials ~~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.

F. Conflict of Interest

To assure their independence and impartiality on behalf of the common good, Public Officials ~~members~~ shall not use their official positions to influence government decision 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 City 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 Public Official ~~member~~ from participating in the disposition of any matter shall be decided by a majority vote of the other members of the City Council. In case of a tie, the member shall be disqualified.

Upon declaration of a conflict of interest, the City Council member shall be excused from the dais. He/s~~S~~he shall have the right to address the City Council from the floor.

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

G. Gifts and Favors

Public Officials ~~Members~~ shall not take any special advantage of services or opportunities for personal gain 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.

H. Confidential Information

Public Officials ~~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 interest.

I. Use of Public Resources

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

J. Representation of Private Interests

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

K. Advocacy

Public Officials ~~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, Public Officials ~~members~~ shall explicitly state they do not represent their body or the City of Hiawatha, nor will they allow the inference that they do.

L. Policy Role of Members

Public Officials ~~Members~~ shall respect and adhere to the mayor-council structure of Hiawatha city government as outlined by the Code of Iowa and City of Hiawatha Code of Ordinances. 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 Council does not take an active role in day to day operations or administration of the city.

The City Administrator shall be directly responsible to the City Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the City Council shall be brought before the body by the City Administrator and all City Council involvement in administration initiated by the City Council must be coordinated through the City Administrator.

M. 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 City Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

N. Positive Work Place Environment

Public Officials ~~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. Public Officials ~~Members~~ shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

O. Implementation

As an expression of the standards of conduct for Public Officials ~~members~~ expected by the City, the Hiawatha Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when Public Officials ~~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 the Mayor and City Council and newly elected and appointed officials. Public Officials ~~Members~~ entering office shall sign a statement affirming they read and understood the City of Hiawatha 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.

P. Compliance and Enforcement

The Hiawatha Code of Ethics expresses standards of ethical conduct expected for Hiawatha City Council and the Mayor.~~, hereafter known as (Members).~~ Public Officials ~~Members~~ 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.

Public Officials ~~Members~~ that intentionally and repeatedly do not follow proper ethical standards may be reprimanded or formally censured by the City Council. It is the responsibility of the City Council to initiate action if a City Council member's behavior may warrant censure. City Council members shall submit written notification to the offending City Council member detailing 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. It is the responsibility of the Mayor, or Mayor Pro-Tem, to initiate action if a member of the City Council~~member~~'s behavior or the Mayor's behavior, may warrant censure. If no action is taken by the Mayor, or Mayor Pro-Tem, the alleged violation(s) can be brought to the full City Council in a public meeting. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem and City Administrator for investigation.

If violation is outside of the Code of Ethics or Code of Conduct, the alleged violation should be referred to the Mayor. The Mayor shall ask the City Administrator and/or the Chief of Police 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 City Council to consider in a public meeting. If the Mayor is the individual whose actions are being challenged, the Mayor Pro-Tem shall ask the City Administrator and/or the Chief of Police to investigate the allegation and report the findings to the Mayor Pro-Tem. It is the Mayor Pro-Tem's responsibility to take the next appropriate action. These actions can include, but are not limited to, discussing and counseling the Mayor on the violations or recommending censure to the full City 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 City Council decision.

Code of Ethics Statement of Understanding

By signing below, I acknowledge that I have received a copy of the Code of Ethics. I confirm that I have read and understand the Code of Ethics and as a condition of fulfilling my term serving as a member of the Hiawatha City Council or Mayor, I agree that I shall ~~must~~ comply with the standards of conduct established in the Code of Ethics.

City Council Member or Mayor Signature: _____

Date: _____

DRAFT

RESOLUTION NO. 17-
City Council

RESOLUTION AMENDING
CITY COUNCIL MEETING POLICY AND PROCEDURES AND ADOPTING CITY COUNCIL MEETING POLICY AND PROCEDURES AND CODE OF ETHICS

WHEREAS, the City Council has determined it necessary to amend the City Council Meeting Policy and Procedures originally adopted on September 3, 2008, in order to update the manual to reflect current policies and procedures and add a Code of Ethics to provide standards of conduct for elected officials as outlined in Exhibit "A."

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hiawatha, Iowa, that said City Council Meeting Policy and Procedures and Code of Ethics are hereby amended, approved, and adopted. All members of City Council and the Mayor shall sign the Code of Ethics Statement of Understanding, review the policy on an annual basis, and update the Code of Ethics as necessary.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 15th day of March, 2017.

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Bill Bennett, Mayor

ATTEST:

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Kari Graber, Deputy Clerk