

Bill Number

Agenda Item Number

10

Date December 7, 2020

APPROVAL OF PARKS AND RECREATION BOARD RULES AMENDMENT

WHEREAS, the Parks and Recreation Board is an advisory board of the City of Des Moines; and

WHEREAS, according to Section 2-1055 of the Municipal Code of the City of Des Moines, the Parks and Recreation Board may make rules and regulations that are needed for the orderly conduct of meetings; and

WHEREAS, the Board determined that Rule 5 of the Procedural Rules should be revised to authorize the Executive Committee to cancel a meeting if there are no agenda items for Board action at such meeting, in order to provide for the efficient and effective conduct of its duties; and

WHEREAS, on November 24, 2020, the Parks and Recreation Board voted to approve such amendment to its Procedural Rules; and

WHEREAS, according to Section 2-1055 of the Des Moines City Code, the amended Rules must be filed with the City Clerk and approved by resolution of the City Council before such amended Rule can take effect.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described amendment to Rule 5 of the Procedural Rules of the Parks and Recreation Board, which are on file with the City Clerk's Office and by this reference made a part hereof, is hereby approved, and takes effect immediately.

(Council Communication No. 20-532)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

DES MOINES PARKS AND RECREATION BOARD PROCEDURAL RULES

Part I. General Provisions

Rule 1. Scope of Rules. These rules shall govern the conduct of the Parks and Recreation Board ("Board"), an advisory board appointed by the Des Moines City Council, and shall be interpreted to insure fair and open deliberations and decision making.

Rule 2. Parliamentary Procedures Waived. Except as specifically required by these rules, the Board shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms.

Rule 3. Matters Not Covered. Any matter of order or procedure not covered by these rules shall be referred to the Chair, who shall decide the matter, with the assistance and advice of the Board's legal advisor if necessary, in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the Chair may be reversed by a majority vote of the Board if not in conflict with the statutes or ordinances referred to in Rule 4.

Rule 4. Interpretation. These rules are intended to supplement and shall be interpreted to conform to applicable statutes of the State of Iowa and ordinances of the City of Des Moines.

Part II. Time and Place of Meeting

Rule 5. Regular Meetings. Regular meetings of the Board shall be held on the fourth Tuesday of each month at a time to be designated by the Executive Committee in a place accessible to the general public, usually at the ~~City Council Chambers on the 2nd floor of City Hall~~ Board Room on the 2nd floor of the Municipal Service Center. When the fourth Tuesday of the month falls on a legal holiday, then the meeting shall be held on a date and a time as determined by the Executive Committee. The Board may, by resolution, continue or postpone any regular meeting to another date and time, or may cancel a meeting. The Executive Committee may by a unanimous vote of three (3) members at an in-person or electronic meeting cancel a meeting if there are no agenda items for Board action at such meeting. All meetings shall be open to the public and conducted in accordance with Chapter 21 of the Iowa Code.

Rule 6. Special Meetings. Special meetings may be called by the Executive Committee, by the Chair, or by the Park and Recreation Director. A call for a special meeting shall be filed with the City Clerk in written form. The call for the special meeting shall specify the day, hour and subject or tentative agenda of the meeting and shall be posted at the door of the City Council Chambers in City Hall.

Rule 7. Quorum. A majority of all voting members of the Board shall constitute a quorum for transaction of business. A lesser number may discuss but not take action on any item until a quorum is present.

Part III. Agenda

Rule 8. Preparation of Agenda. Prior to each regular Board meeting, the Parks and Recreation Director or his or her designee, in conjunction with the Executive Committee, shall prepare an agenda that contains all items the Board anticipates acting upon or receiving at the meeting. All agenda items requiring action will be identified as such on the agenda. The written agenda and packets of supporting information for agenda items or brief summaries of the agenda items will be sent to Board members prior to the date of the meeting.

Rule 9. Posting of Agenda. A copy of the agenda shall be posted at City Hall in accordance with Chapter 21 of the Iowa Code.

Part IV. Members

Rule 10. Attendance. Each Board member must attend at least seventy-five percent (75%) of the regularly-scheduled meetings in a given calendar year in accordance with Des Moines Municipal Code §2-1050(a). Each Board member is expected to attend each meeting in its entirety. If a Board member's attendance is not in compliance, it is the responsibility of the Executive Committee to notify that member of his/her attendance record. The Executive Committee shall provide recommendations to the City Council required in accordance with Des Moines Municipal Code §2-1050(b). Each Board member should notify the Board Secretary prior to the meeting in the event he or she must be absent from a Board meeting.

Rule 11. Conflict of Interest. Each Board member shall comply with the provisions of Des Moines Municipal Code §2-1054. In particular:

1. A Board member cannot participate in discussion of an issue in which the member has a direct financial interest or an interest as defined below at a Board meeting or a Committee meeting or an Executive Committee meeting.
2. A Board member cannot vote on any issue in which the member has an interest as defined below.
3. A Board member cannot participate in selection or award or administration of a contract if the member has an interest as defined below.
4. A Board member has an interest when the Board member or any member of his or her immediate family or his or her partner or any organization which employs, or is about to employ, the Board member, any member of his or her immediate family, or the Board member's partner has a financial or other interest in the firm or contractor selected for award. This interest may be real or apparent. An example of an "other interest" is membership on the board of a non-profit agency or public entity that is applying for and/or is selected for award of funds or other contract.
5. The contractor in these situations includes the agency, public entity, firm or person applying for and/or selected to receive the funds or contract.

- 6. A Board member cannot solicit or accept any gratuities, favors, money, rebates or anything of monetary value from contractors, potential contractors or parties to subagreements.

In the event that a Chair of a Committee has a conflict as to any item or issue before the Committee, another member of the Committee shall preside while that item or issue is under discussion and shall present information on behalf of the Committee at the Board meeting.

In the event a Board member has a conflict as defined above, that member may choose to leave the meeting room while that item or issue is being discussed.

Part V. Officers

Rule 12. Officers. The officers of the Parks and Recreation Board shall be Chair and Vice Chair and such other officers as deemed necessary by the Board. The Chair shall be elected by a majority vote of all members of the Board in June of each odd-numbered year and shall serve for two years. The Vice Chair and any other officers shall be elected in the same manner in June of each year and shall serve for one year. Officers shall serve no more than two consecutive terms in any one position. However, the term period between January 2005 and June 30, 2005 shall not be considered when applying this limitation.

Rule 13. Vacancy. In the event a vacancy occurs in any office for any reason, the Board shall, as soon as reasonably possible, nominate and elect a member to serve in that office until the next regular election of officers.

Rule 14. Nominating Committee. The Chair shall appoint a Nominating Committee of three persons at least two months prior to a regular election of officers. Members of the nominating committee may be nominated to fill any office. The Nominating Committee shall report its proposed nominations for officers and the Executive Committee at the regular May meeting.

Rule 15. Election of Officers. Officers shall be elected in June and take office in July.

Rule 16. Duties of Officers. The Chair shall preside at all meetings of the Board and shall be, ex officio, a voting member of all committees.

The Vice Chair shall exercise the powers and perform the duties of the Chair in his or her absence for the duration of the absence or incapacity of the Chair or for the duration of the meeting.

Other officers shall exercise such powers and perform such duties as assigned by the Board.

Rule 17. Staff. The Recording Secretary shall be a member of the Parks and Recreation Department assigned to perform the duties of the office and shall attest all minutes of the Board and all matters of record. All actions taken shall be a matter of public record in accordance with Chapter 22 of the Iowa Code.

The Parks and Recreation Director or his or her designee shall be available to assist the Board when his or her services are necessary to prepare reports, to recommend Board Action, or to otherwise aid the Board.

The Assistant City Attorney assigned by the Legal Department to advise the Park and Recreation Department shall act as attorney for the Board.

Rule 18. Executive Committee. An Executive Committee consisting of Chair, Vice Chair, and three additional Board members shall be a standing committee.

Part VI. Conduct of Meetings

Rule 19. Roll Call. Before proceeding with the business of the Board, the Recording Secretary shall call the roll of members present, and enter those names in the minutes. The Recording Secretary shall determine the presence of a quorum as required by law and these rules.

Rule 20. Call to Order. The Chair or Vice Chair shall call the meeting to order at the appointed hour. In the absence of the Chair or Vice Chair, the Director shall call the meeting to order and a temporary presiding officer shall then be selected as provided in Rule 21.

Rule 21. Presiding Officer. The Chair shall be the presiding officer at all Board meetings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both the Chair and Vice Chair are absent, the Board shall elect a Chairperson pro tempore to preside at that meeting.

Rule 22. Control of Discussion. The presiding officer shall control discussion of the Board on each Agenda item to assure full participation in accordance with these rules. Each Board member's comments must be directed to the subject under consideration. The presiding officer shall rule on such comments.

Rule 23. Presiding Officer's Right To Enter Into Discussion. The Chair or other presiding officer may enter into any discussion to limit the discussion or affirm its direction.

Rule 24. Limit on Remarks. Each Board member shall limit his or her remarks to a reasonable length. A maximum length may be established by the Board at any meeting.

Rule 25. Presiding Officer's Right to Speak Last. The presiding officer may speak last to close debate and to sum up the discussion.

Rule 26. Closing Debate. Discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Board. However, a call for a vote to close discussion will take precedence.

Part VII. Citizen Participation

Rule 27. Manner of Addressing the Board. A person other than a Board member desiring to address the Board shall state his or her name, address, and group affiliation (if any).

Rule 28. Time Limit on Citizen's Remarks. Citizens shall be limited to three (3) minutes speaking time per item, unless additional time is granted by the presiding officer with Board concurrence. Total citizen input on any subject under Board consideration can be limited to a fixed duration by the presiding officer. A majority vote of the Board may extend or limit the time duration under this rule. Board members may ask questions following a citizen's remarks and these questions and answers are not subject to the fixed time limit. Board members may also ask questions of other citizens in the audience with permission of the presiding officer. However, the questions shall be germane to the subject under consideration and the answers shall be concise and responsive.

Rule 29. Remarks to be Germane. Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on such citizen comments. Any person making impertinent, or slanderous remarks or comments directed negatively at individuals may be barred by the presiding officer from further comment before the Board during the meeting, and, if appropriate from future participation.

Part VIII. Board Action

Rule 30. Motion Required. All action requiring a vote shall be moved by a member of the Board.

Rule 31. Motion to Reconsider. A motion to reconsider can only be made by a Board member who was on the prevailing side in the original action or by a Board member absent at the time of the original action. The sponsoring of the reconsideration of a matter by the Chair or other presiding officer has the effect of a motion to reconsider.

Rule 32. Motion to Amend. No motion shall be made while any other motion is pending, except a motion to amend, or other subsidiary motion, made to assist the Board in disposing of a motion, which shall take precedence over the motion on the floor.

Rule 33. No Motions by Presiding Officer. The presiding officer shall not make a motion.

Rule 34. Call for Vote. At the conclusion of debate the presiding officer shall call for a vote; however, a majority of the Board may call for a vote at any time.

Rule 35. Separate Consideration. Except as otherwise required by these rules each Agenda item shall be voted upon separately and each separate vote of each Board member shall be recorded by the recording secretary.

Rule 36. Recording Names of Members Making Motions. The recording secretary shall record the name of the Board member making each motion.

Part IX. Miscellaneous

Rule 37. Suspension of Rules. These rules or any part hereof, may be suspended, changed or modified by a two-thirds majority of the Board.

Rule 38. Presentations to City Council. Only the Chair or the Chair's designee shall represent the Board on an issue before the City Council or any other entity or agency. Any other Board member who addresses the City Council, a public forum, or the media on an issue upon which the Board has taken or is considering action shall make it clear that he or she is not representing the Board.

Part X. Committees

Rule 39. Establishing Committees. The Board may establish both standing and special committees as needed.

- A. Standing committees shall meet regularly and shall make recommendations to the Board as to various areas, including, but not limited to, golf, cemeteries and recreational trails.
- B. The Executive Committee may recommend to the Board for approval a Board member to serve as liaison to the Blank Park Zoo Foundation, Friends of the Des Moines Botanical Center, the Park and Recreation Foundation and other organizations as determined by the Board to be essential or helpful to the Boards in furtherance of the Board's duties.
- C. Special committees may be established from time to time as the Board deems necessary to study and make recommendations to the Board as to specific issues or events and shall exist for a specified duration.

Rule 40. Conduct of Committees. Committee members shall be recommended by the Executive Committee and approved by the Parks and Recreation Board.

- A. Standing Committees shall operate under guidelines or rules approved by the Parks and Recreation Board. These shall include a method of conducting meetings, selecting presiding officers and recording minutes. The presiding officers need not be Board members. Minutes of Committee meetings shall be submitted to the Recording Secretary within fourteen (14) days following each Committee meeting.
- B. Each Special Committee shall operate as deemed appropriate for its particular mandate and duration.

Part XI. Authority of Board

Rule 41. Board Action. No officer, member, or committee shall independently bind the Board to an action unless expressly authorized to do so; and no such action shall in any way be recognized by the Board unless so authorized.

Rule 42. Board Rules and Policies. The Board may adopt rules and policies, such as the manner of providing notice to the public on certain matters to be considered and acted upon by the Board, as authorized by applicable sections of the Municipal Code of the City of Des Moines.

Part XII. Amendments To Procedural Rules

Rule 43. Amendments. The Executive Committee shall review these Procedural Rules every two years to recommend any necessary amendments. Amendments may be made by approval of two-thirds majority of the Board at a regular Board meeting if notice of the proposed amendment was provided to each member at the previous Board meeting.

**APPROVED BY THE DES MOINES PARKS AND RECREATION BOARD ON
, by Resolution No. .**

**APPROVED BY THE DES MOINES CITY COUNCIL ON January 10, 2005 by Roll
Call No. 05-045. These Procedural Rules take effect immediately and replace and
supersede the Park and Recreation Board Bylaws.**

**AMENDMENT TO RULE 5 APPROVED BY THE DES MOINES CITY COUNCIL on
December , 2020 by Roll Call No. 20- .**