

ORDINANCE # V.14

PUBLIC MEETINGS PROCEDURAL RULES (AMENDED)

TAMA COUNTY BOARD OF SUPERVISORS

Appointments

The first meeting of the new year will be the annual reorganization meeting. The Tama County Board of Supervisors ("Board") shall accomplish the following tasks at the annual reorganization meeting:

- a) Swearing in newly elected officials;
- b) Nominate the Chair of the Board of Supervisors
- c) Authorize Auditor to pay postage, express freight, wages, salaries, and claims;
- d) Designate newspapers, banks, appointments, commissions, Observed Holidays, meeting times, and;
- e) All other necessary and regular business required for the operation of Tama County.

If for any reason the Chair is unable to act, the other members of the Board of Supervisors may act on behalf of the Board's Chair.

The Tama County Auditor is the clerk for the Board of Supervisors and shall keep minutes of meetings and shall perform other duties within the function of the meetings as needed. The Auditor's office shall post all Board of Supervisor meeting agendas at least 24 hours prior to meeting.

Open Meetings *(Code of Iowa, Section 21.4)*

Regular meetings/public notice

The regular Board of Supervisor meetings of Tama County shall be convened in the Board of Supervisors Chambers. The time and day will be set by the Board of Supervisors every January at their organizational meeting. The Board of Supervisors agenda will be posted 24 hours in advance in accordance with the Iowa Code.

Special meetings may be called from time to time by the Board of Supervisor and notice of the meeting shall be posted in the Tama County Administration Building on the Bulletin Board 24 hours in advance in accordance with Iowa Code.

A meeting reconvened within four hours of the start of its recess, where an announcement of the time, date, and place of the reconvened meeting is made at the

original meeting in open session and recoded in the minutes of the meeting and there is no changed in the agenda.

If a quorum fails to appear at any meeting, the county auditor must adjourn such meeting from day to day until a quorum is present [Iowa Code §331.213(2)].

Number Required to Act on Business

The following actions of the board require the affirmative vote of a majority of its membership [Iowa Code §331.212(2)]:

- Levying a tax.
- Entering into a contract for the erection of a public building.
- Making a settlement with a county officer.
- Buying or selling real estate.
- Designating a new site for a county building.
- Changing the boundaries of a township.
- Appropriating money to aid in the construction of a highway or a bridge.
- Appointing or removing an officer from office. In all other cases, a majority of the members present, if there is a quorum, may transact business legally in the name of the board of supervisors. If the board is equally divided on a question when less than the full membership is present, the question shall be continued until all the members of the board are present [Iowa Code §331.212(1)].

Minutes

The board shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection [Iowa Code §21.3].

When it is necessary to hold a meeting on less than 24 hours' notice, or at a place that is not reasonably accessible to the public, or a time that is not reasonably convenient for the public, justification for such departure from normal shall be stated in the minutes [Iowa Code §21.4 (2)].

A total of fifteen minutes of public comment is allowed with a three (3) minute limit per person. The public may comment on the agenda items for that day. This will be the only time comments are allowed. When the meeting is called to Order, no one will be allowed to speak unless requested by the Chair of the Board.

Location

Meetings are held in the Tama County Board of Supervisors Chambers unless otherwise posted. Tama County Administration Building 104 West State Street, Toledo, IA 52342.

Holidays

When any legal holiday falls on Monday, the regular meeting of the board shall be held at such time and place as may be designated by the board.

Closed Session *(Code of Iowa, Section 21.5)*

Closed session can only be held by affirmative public vote of either two-thirds of the members of the body or all of the members present at the time of the meeting. Requirements and reasons for closed sessions are defined in the Code of Iowa. All potential closed sessions meetings shall be listed on the agenda for the meeting.

Electronic Meetings

Electronic meetings are held only in circumstances where such a meeting in person is impossible.

Emergency Meetings

An emergency meeting of the board is a special meeting which can be called when less than 24 hours' notice can be given. The minutes shall state the nature of the emergency and a statement of the necessity of the meeting shall be made by the County Attorney prior to the start of the emergency meeting. Emergency meetings may be held by consent of a majority of members. An attempt must be made to notify the public or the press of the need for this emergency meeting. Only the emergency matter(s) giving rise to the need for an emergency meeting may be considered.

Rules of Conduct

The following rules are adopted for the conduct of those attending regular and special meetings of the board of supervisors in the board room in the Administration building:

1. The Pledge of Allegiance shall proceed the start of each regular meeting.
2. All public attendees of the meetings shall remain seated and be silent unless they are addressing the Board when acknowledged and allowed by the Board Chair.
3. Any person desiring to address the board may do so when recognized by the board chair, but the board reserves the right to limit the speaker's time and the order in which the speakers may address the board. Any member addressing the Board shall be limited to a period of three (3) minutes. The board_chair may extend this time, or may request further information be presented to the board on such a date and in such a manner as it deems appropriate. The right to discuss the business before the board is reserved exclusively for the board members, the department heads, attorney, and person(s) on the agenda.

No person shall represent irrelevant, immaterial, or unduly repetitious statements or information; provided, however, that reports and documents prepared by county personnel shall be deemed relevant, material and the weight or competency thereof shall be determined by the board.

Persons Sharing Common Concerns. If any group of three or more people sharing a common viewpoint on any subject wishes to address the Board during the time for public comment, the group shall select a spokesperson, who shall present the views of the group to the board. The board_chair may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letters, videotapes, etc., may be presented to the board for consideration at the conclusion of the spokesperson's remarks.

4. No person shall be interrupted while addressing the board chair except to maintain order.
5. No person shall address any member of the audience while addressing the board.

6. Any person who the board chair determines has made personal, impertinent, slanderous, or unauthorized remarks during the meeting, or who has interfered with the orderly operation of the meeting while attending a board meeting, either in person or virtually, shall be removed from the room or the virtual platform. A deputy in attendance may be directed by the Board chair to remove such an individual from personal attendance.
7. In case the board chair should fail to act, any member of the board may obtain the floor and move to require enforcement of this rule. Upon affirmative vote of the majority of the board, the deputy shall be authorized to remove the person or persons from personal attendance, as if the board chair so directed. Such persons may be barred from further audience before the Board meeting and, in aggravated cases, an appropriate complaint shall be issued by the board chair and the person or persons prosecuted.

Board of Supervisor Training

Each newly elected official shall attend ISAC Board of Supervisor training and any other such training as required by statute, law or agreement.

Newly Elected Official Seminar

Each member of the board shall complete the Newly Elected Official Seminar established by Heartland Insurance Risk Pool every year offered.

Ordinances

Please refer to Ordinance I.2 County Legislation

(Code of Iowa §331.302 for additional information.)

Appropriations

No money shall be appropriated out of the county treasury except as provided by law.

Resolutions

Every resolution by the county board authorizing any person to make any contract for the county shall be adopted by a vote of yeas or nays, and every contract made in accordance with the authorization shall be valid and binding upon the county and may be enforced against or in favor of the county. A contract made by the person authorized by the county board to contract shall be considered made by the board.

County Board Ethics code.

The county board of supervisors hereby adopts this ethics code to establish standards for uniform conduct which prevent conflicts of interest or the appearance of conflicts of interest in order to uphold the integrity of the board of supervisors and to assure taxpayers and citizens of the county of board actions.

Definitions

Apparent conflict of interest occurs when a reasonable person would think that a board member's judgment is likely to be compromised.

Appearance of conflict of interest means the impression that a reasonable person might have, after full disclosure of the facts, that a board member's judgment might be significantly influenced by outside interests, even though there may be no actual or legal conflict of interest.

Conflict of interest means a situation in which financial or other personal considerations have the potential to compromise or bias a board member's judgment and objectivity.

Immediate family means the spouse, children, stepchildren, grandchildren, parents, stepparents, grandparents, brother, sister, stepbrother, step-sister, and immediate household members of a board member. These include individuals by birth, marriage, or adoption.

Potential conflict of interest involves a situation that may develop into an actual or legal conflict of interest.

Conflicts of interest prohibiting board members from action and barring board members or the immediate family of board members from participation.

No member of the board shall vote, take any official act or action, or participate in the discussion before the board or any County agency, board or commission associated with any item in which such member has a direct or indirect pecuniary interest, which includes without limitation, the following interests and persons:

A board member's property or financial interests.

A board member's immediate family.

Any person or entity employing or offering employment of the board member or any member of the board member's immediate family.

Any person or business entity with whom a contractual relationship exists with the board member or the board member's immediate family member.

For contracts or transactions which are the subject of an official act or action of the county, or may in the future be the subject of an official act or action of the county, board members are prohibited from:

Having an interest in any business entity representing, advising, or appearing on behalf of, whether paid or unpaid, any person or business entity involved in such contract or transaction.

Soliciting or accepting any present or future gift, favor, service, or thing of value from any person involved in such contract or transaction.

Recusal in the event of a conflict of interest.

When a conflict of interest, apparent conflict of interest, appearances of conflict of interest or potential conflict of interest occurs as described in this ethics code or by operation of Iowa law with respect to a board member on a matter before the Supervisors, the board member is required to recuse himself or herself and is prohibited from deliberation, voting, or participation in any way, on the matter. Participation includes, without limitation, a board member making known his or her preference on the matter or discussing the matter with other board members or county staff, whether prior to, during or after the meeting at which such matter comes before the board of supervisors.

Procedures for meeting

1. Call the meeting to order. (chairman)

When the time for the meeting has arrived, the officer makes sure there is a quorum and then opens the meeting. If the room is still noisy, you can then say "The meeting will come to order". The Board Chair will control discussion of the board and agenda items to assure full participation by the board.

2. Pledge of Allegiance

3. Reading and approval of minutes

4. Approve the agenda. (also known as order of business)

a. Approve claims.

b. Follow agenda outline.

5. Adjourn meeting. (Board Chair)

Procedures for making motions and voting.

1. Any board member making a motion upon a matter to be voted on by the board shall state the motion with enough clarity, specificity, and brevity that the matter to be voted upon is clearly understood. All motions shall require a second by another board member prior to being put to a vote. Any motion failing to receive a second shall be considered failed.
2. Votes shall be taken by the Auditor.
3. Except for a motion to adopt an ordinance at a single meeting for which the Board requires a unanimous vote of all board members present, an affirmative vote from at least a majority of all board members present and eligible to vote shall be necessary to pass any motion upon which a vote has been called.
4. Each board member shall vote on all questions put to the board unless a conflict of interest exists or an appearance of fairness question under state law is present. Unless a member of the board states that he or she is abstaining, his or her silence shall be recorded as an affirmative vote.
5. After a motion has been seconded the Board chair shall call for discussion or deliberation on the motion prior to calling for a vote.
6. The Board chair shall call for the vote on each motion receiving a second. Upon a call for the vote, each board member shall respond "yes" (aye), "no" (nay) or "abstain." Any board member responding "abstain" must state the reason for such abstention from the vote. An abstention shall not count as either an affirmative or a negative vote and shall not be counted toward the number of votes required to pass or reject a motion. Except to the degree allowed as a member of the public, no board member shall discuss or vote upon any matter in which the board member has declared a conflict of interest.
7. The Board shall not vote on any matter while in closed session.
8. The Board shall neither discuss nor vote on any matter that had not previously been listed on the meeting's agenda.

Attendance—Excused absences.

Members of the board may be excused from attending a board meeting by contacting the board chair, prior to the meeting and stating the reason for his or her inability to attend. Board members who do not follow the above process will be considered unexcused and it shall be so noted in the minutes.

The public may use cameras or recording devices at any open session.

Severability Clause.

If any sections, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Effective Date.

This Ordinance shall become effective after its final passage, approval, and publication as provided by law.

Passed and adopted this 13th day of May, 2024.

Amended this 22nd day of July, 2024.

Signed: _____


Curt Hilmer, Chairman, Tama County Board of Supervisors

ATTEST: _____


Laura Kopsa, County Auditor