Date .... September 23, 2013 ....

AMENDMENT TO RULE 42A OF THE
PROCEDURAL RULES OF THE DES MOINES CITY COUNCIL

WHEREAS, an Amendment to Procedural Rules of Des Moines City Council to amend Rule 42A "Waiver of Ordinance Readings" has been prepared to more precisely align with the Iowa Code and the practices of the City Council with respect to consideration and passage of City ordinances.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Amendment to Procedural Rules of Des Moines City Council amending Rule 42A "Waiver of Ordinance Readings" is hereby approved and such Amendment shall be incorporated in the Procedural Rules.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lawrence R. McDowell
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COWNIE					I, DIANE RAUH, 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.
COLEMAN					
GRIESS					
HENSLEY					
MAHAFFEY					
MEYER					
MOORE					
TOTAL					
MOTION CARRIED			APPROVED		

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

_____ Mayor

_____ City Clerk

AMENDMENT TO PROCEDURAL RULES OF DES MOINES CITY COUNCIL

Rule 42A.   Waiver of Ordinance Readings.

A Council member may move the final passage of an ordinance, with waiver ~~of first or second consideration of the ordinance or waiver or both,~~ and suspension of the requirement that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed, by reciting the following motion:

> "Moved by (insert the moving Council member's name) that the rule requiring that an ordinances must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended,; ~~that the first and second consideration and vote be waived;~~ that the ordinance be placed upon its final passage and that the ordinance do now pass."

or may move waiver and suspension by reference to the language of this section to be known as "the waiver rule".

CITY ATTORNEY
Jeffrey D. Lester

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Douglas P. Philiph

CITY OF **DES MOINES**
LEGAL DEPARTMENT

ATTORNEY/CLIENT COMMUNICATION

September 23, 2013

HONORABLE MAYOR AND MEMBERS
OF THE DES MOINES CITY COUNCIL

Re: Amendment to Procedural Rule 42A - Waiver of Ordinance Readings

In my letter to the City Council dated September 13th, I concluded that based on 1997 amendments to the Iowa Code, Council Members need not concern themselves with "pre-published" or "non-pre-published" rules for passage of an ordinance without three readings of same. In the process of preparing the Amendment to Rule 42A relating to waiver of ordinance readings, it was discovered that the City Council in 2005 had amended this rule to remove the distinction between pre-published and non-pre-published rules with the intention of conforming to the 1997 Iowa Code amendment. Unfortunately, the City Attorney Council Book did <u>not</u> contain the updated rule, having only an older version.

Upon review of Rule 42A, as amended, the Legal Department has determined that this rule should be again revised to more closely align with the language contained in the Iowa Code and current City Council practice for the consideration and passage of ordinances.

An Amendment to Procedural Rules of Des Moines City Council to amend Rule 42A is presented for consideration by the City Council. In accordance with the Amendment, Council Members can simply move to waive and suspend the requirement for three readings of an ordinance by referring to Rule 42A or "the waiver rule."

Respectfully submitted

Jeffrey D. Lester
City Attorney