



# CITY OF GERVAIS

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The Gervais City Council will hold a Work Session starting at 6:30 PM on Thursday, March 31, 2022. This meeting will be held in person, with an option to participate by Zoom. If anyone wants to participate with Zoom, the instructions for accessing the meeting are below.

## GERVAIS CITY COUNCIL AGENDA

### Meeting Sign-in Instructions:

Topic: March 31, 2022 City of Gervais Worksession

Time: March 31, 2022 06:30 PM Pacific Time (US and Canada)

### TO JOIN THE MEETING VIA WEBSITE/TABLET/MOBILE:

<https://us06web.zoom.us/j/87967176587?pwd=eDYvQ1hITkhuMHBXb054SmUyYXpTdz09>

Meeting ID: 879 6717 6587

Passcode: 272574

### TO JOIN THE MEETING VIA TELEPHONE ONLY:

1-253-215-8782 US (Tacoma)

Meeting ID: 879 6717 6587

Passcode: 272574

NOTE: A link will also be on the City of Gervais home page at [www.gervaisoregon.org](http://www.gervaisoregon.org).

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Announcements/Additions
  - a. Additions/deletions to the agenda
5. New Business
  - a. Updating Council Rules
6. Adjourn

Gervais is a charming, dynamic rural community with a rich cultural heritage, valuing the past and anticipating the future...a wonderful and tranquil place to work, play and live.

**The City of Gervais is an Equal Opportunity Provider and Employer. Complaints of discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, DC 20250-9410**

City of Gervais  
Worksession  
March 31, 2022 @ 6:30 pm

Tab #1: This is the draft of the council rules that was a result of the January 13<sup>th</sup> worksession. This is the same copy that went to Bill Monahan for review.

Tab #2: This is the draft that was returned from Bill Monahan after his review. It includes his “track changes”, which shows exactly what he added or deleted.

Tab #3: This is the same draft as what is provided in Tab #2, only Bill Monahan’s edits are incorporated into this document without the distraction of the “track changes” showing. Sometimes it is difficult to read a document with the track changes showing – that is why this clean copy is provided.

This is the draft that resulted from the January 13, 2022 Work session, and was sent to Bill Monahan at Mid-Willamette Valley Council of Governments

## CITY OF GERVAIS

### COUNCIL RULES OF PROCEDURE

#### Regular meetings.

(1) Time. Regular meetings of the council shall be held at 7:00 p.m. on the First Thursday of each month. When a regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on a day to be agreed upon by the council. A change of any regular meeting date **or time** may be made by motion duly passed at a regular meeting.

(2) Place. All regular meetings of the council shall be held in the council chambers of the City Hall in the City of Gervais unless another facility is needed to accommodate an anticipated increase in attendance or other events.

(3) Quorum. A majority of members of the council shall constitute a quorum for its business, but three members may meet and compel the attendance of absent members .

(4) Adjournment. The council may adjourn upon motion made at any regular meeting as provided in subsection (1) of this section to the next succeeding regular meeting or to some specified time prior thereto, which adjourned meeting will be deemed to be a continuation meeting.

**Worksession. The Gervais City Council may hold a work session on the third Thursday of each month in the Gervais City Hall or at another time or place in the city in which the City Council designates. Such sessions shall allow the City Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject, provided that all discussions thereon shall be informal with no vote or formal action taken. Work sessions shall be open to the public; however, an opportunity for public comment will only be allowed at the discretion of the Presiding Officer or by a majority vote of the council members present. (3.2 Keizer City Council Rules of Procedure)**

(6) Special Meetings. Special meetings of the council may be called by the mayor upon his/her own motion, or at the request of three members of the council upon compliance with the requirements of the Oregon Open Meetings Statute. **Special meetings of the council may also be held at any time by the consensus of all the members of the council. (3.3 Keizer City Council Rules of Procedure)**

**(7) Electronic Meetings. Normally, all Council meetings or work sessions shall be held in-person. However, upon council motion, and unanimous vote council may schedule a future meeting or work session partially or totally electronically upon a showing of a particular need. (3.4 Keizer City Council Rules of Procedure) If during the electronic meeting the connection is lost, a break of 15 minutes shall be allowed to attempt to reconnect. If connection cannot be reestablished, then the council meeting will be adjourned. Notice of this provision will be placed on all meeting notices/agendas.**

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(8) Parliamentary Rules. The conduct of all meetings by the council or any committee shall be governed by those parliamentary rules set forth in Robert's Rules of Order (current edition).

**Attendance**

**Any council member not able to attend any meeting of the council shall notify either the City Manager or Mayor as soon as practicable.**

**Rules of procedure.**

(1) The council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general.

(2) In all matters to be heard by the council presiding officer may introduce the subject, after which the presiding officer may first invite those persons and parties who are proponents of any matter to be considered by the council to speak thereon. Then, the opponents of such proposal shall next be afforded an opportunity to speak thereon. Then members of the staff of the city may speak thereon or answer questions from members of the council or the public. Then the members of the council shall discuss the matters and act thereon.

**Conduct at council and committee of the whole meetings.**

(1) Responsibility for Order. The presiding officer of the council shall be responsible for insuring that order and decorum are maintained during all meetings of the council, and shall be responsible for assigning to the sergeant-at-arms his or her duties and station.

(2) Sergeant-at-Arms. Chief of Police or his designee shall act as sergeant-at-arms and shall be present as directed by the mayor or council at each council meeting. The sergeant-at-arms shall have the responsibility to maintain order, to enforce the rules of conduct, and to enforce orders given by the presiding officer.

(3) Order and Decorum.

(a) Any of the following shall be sufficient cause for the sergeant-at-arms, at the direction of the presiding officer, to remove any person from the council chambers, or meeting hall, for the duration of the meeting:

(i) The use of unreasonably loud or disruptive language;

(ii) The making of loud or disruptive noise;

(iii) The engaging in violent or distracting action;

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- (iv) The willful injury of furnishings or of the interior of the council chambers or meeting hall;
- (v) The refusal to obey any of the rules of conduct provided within this section, including the limitations on occupancy and seating capacity;
- (vi) The refusal to obey an order of the presiding officer or an order issued by any council member which has been approved by a majority of the council members present.

**(vii) Add rule on cell phone usage**

(b) Unreasonably loud or disruptive language, noise, or conduct is that which obstructs the work or the conducting of the business of the council. Before the sergeant-at-arms is directed to remove any person from the meeting hall for conduct described in subsection (3a) of this section, that person shall be given a warning by the presiding officer to cease his or her conduct.

(c) If a meeting is disrupted by members of the audience, the presiding officer or a majority of the council members present may order that the council chambers or meeting hall be cleared so that the meeting may continue.

(4) Limitations on Debate. Time for testimony by members of the audience at public hearings or any council meeting at which the public is invited or allowed to address the council, may be limited for each speaker and for each subject by the presiding officer or by majority vote of the council. All questions and discussion by members of the audience shall be directed to the presiding officer. Direct discussion between members of the audience and council members or city employees shall be permitted only at the discretion of the presiding officer. Every person desiring to speak shall first address the presiding officer and upon recognition, shall give his or her name and address and shall confine his or her comments to the issue under consideration.

(5) Picture-Taking and Filming. The taking of photographs in the council chambers or other meeting hall shall not be allowed except when approved by the presiding officer.

(6) Seating Capacity and Safety Requirements. The safe occupancy and seating capacity of the council chambers as determined by the fire marshal shall be posted within the council chambers. The limitations on occupancy and seating capacity so determined and posted shall be complied with at all times.

**Call to order – Presiding officer.**

The mayor, or in his/her absence the president of the council, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the council to order. In the absence of the mayor or president of the council, the city manager, or his or her assistant, shall call the council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon the arrival of the mayor or president of the council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

**Order of business.**

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(1) Agenda. The order of business of each meeting shall be as contained in the agenda prepared by the city manager or designee. The agenda shall be a listing by topic of subjects to be considered by the council, and shall be delivered to members of the council at least 48 hours preceding the meeting to which it pertains, except in the case of an emergency. Failure to make a timely delivery shall not invalidate any action by the council;

(2) Order of Business. The order of business on the agenda may be adjusted at the discretion of the presiding officer and the agenda will be is as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Public Comments (maximum of 30 total minutes for the item which may be extended at the mayor's discretion; allows an opportunity to speak for not more than three (3) minutes per speaker)
- IV. Consent Calendar
- V. Presentations (if necessary)**
- VI. Public Hearing (if necessary)
- VII. Old Business
- VIII. New Business
- IX. City Manager's Report
- X. Police Report
- XI. Public Works Report
- XII. Council Business
- XIII. Executive Session (if necessary)
- XIII . Adjournment

At the mayor's discretion, the mayor may change the order of the agenda and allow communications concerning items on the agenda or other council business. Minutes of the business meeting will be kept by the city recorder.

(3) Agenda Availability. Copies of the agenda shall be made available to the press, public, and a minimum of one copy shall be posted on the bulletin board at City Hall;

(4) Placing Items on the Agenda. Anyone wishing to place an item on the agenda will advise the City Manager or City Recorder no later than noon on the Thursday a week preceding the meeting at which the item is to be considered.

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(5) Non-agenda Items. During a designated period of the agenda, citizens may bring forth issues or questions that are not on the meeting's agenda. Comments may be limited at the presiding officer's discretion. These matters shall not be acted on until a subsequent meeting, unless there is a compelling reason which is decided only upon unanimous vote.

(6) Consent Agenda. Relatively minor items, that presumably require no discussion but which must be approved by the council, may be combined under a "consent agenda" and approved by one motion and vote. Council members or members of the audience may request additions or deletions to the consent agenda without debate. Any item may be removed at the beginning of the meeting for a separate consideration upon request. The action taken on consent agenda items shall be shown in the minutes in the order shown on the agenda; Ordinances and orders will not be placed on the consent calendar. Public comments will be held prior to the approval of the consent calendar to allow the public to address items under consent calendar. Collective comments by an individual under public comments will be limited to three (3) minutes.

**(7) Presentation from the Public. The agenda shall provide 15 minutes time for the public to bring before the council any business that they feel should be deliberated upon by the council. Council by majority may decline formal action or defer to a subsequent meeting. All written material must be submitted to the City Manager or City Recorder no later than noon on the Thursday a week preceding the meeting at which the presentation will be made to be distributed with council packet. Written material submitted after the deadline may not be reviewed and/or considered by the council.**

(8) Presentation by Members of the Council. The agenda shall provide a time when the mayor or any council member may bring before the council any business that they feel should be deliberated upon by the council. These matters need not be specifically listed on the agenda. These matters shall not be acted on until a subsequent meeting, unless there is a compelling reason which is decided only upon unanimous vote. The council may decline formal action or defer to a subsequent meeting.

#### **Ex-parte' Contact**

When the council conducts a quasi-judicial public hearing, the council members should declare any ex-parte' contacts that they may have. When the hearing conducted is a quasi-judicial land use public hearing, the ex-parte' contact is governed by the appropriate state law concerning ex-parte' contacts in quasi-judicial land use matters. When the ex-parte' contact concerns non-land use public hearing, the councilors should attempt to clearly state any ex-parte' contacts. However, failure to state ex-parte' contact will not be grounds to question, appeal, or overturn the decision of the council unless it can be shown that failure to declare the ex-parte' contact constituted substantial prejudice to a party raising the objection.

#### **Public hearing protocol.**

The following shall be the order to hear presentations during a public hearing:

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- (1). Presiding officer opens the public hearing and notes the time for the record.
- (2). Presiding officer asks for any ex-parte' contact or declaration of conflict of interest
- (3). Staff Report
- (4). Proponents presentation
- (5). Opponents presentation
- (6). Proponents rebuttal
- (7). Staff summary
- (8). Presiding officer closes the public hearing
- (9). Council discussion
- (10). Council motion, second and vote

**Reading of minutes, statement of bills and treasurer's report.**

Unless a reading of the minutes, statement of bills, and treasurer's report of a council meeting is requested by a member of the council, such minutes, statements, or treasurer's report may be approved without reading if the manager has previously furnished each member of the council with a copy thereof. Such copies of the minutes, statement or treasurer's report shall also be available to any member of the public upon request. The city manager shall furnish to each council member the minutes of the previous meeting and a reminder of unresolved items which have recently been discussed by the council.

**Rules of debate.**

- (1) Getting the Floor. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself to the questions under debate, avoiding all personalities and inappropriate language.
- (2) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order he shall cease speaking until the question of order be determined and, if in order, he/she shall be permitted to proceed.
- (3) Privilege of Closing Debate. The council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.



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(4) Motion to Reconsider. A motion to reconsider any action taken by the council may be made. Such motion must be made by one of the prevailing side, but may be seconded by any member. A motion to reconsider may be made at any time and have precedence over all other motions and it shall be debatable. Nothing herein shall be construed to prevent any member of the council from making or remaking the same or any other motion at a subsequent meeting of the council.

(5) Synopsis of Debate – When Entered in Minutes. The clerk may be directed by the presiding officer, with consent of the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council.

**Silence constitutes affirmative vote.**

Unless a member of the council states that he/she is not voting, his/her silence shall be recorded as an affirmative vote.

**Recording of proceedings.**

A voice recording machine shall be available at all council meetings. Written minutes of all meetings shall be required as per Oregon Revised Statutes. Minutes will be available to the public within a reasonable amount of time after approval of the city council. Minutes of all meetings will be a permanent record. Audio and/or visual recordings of meetings will be retained per the Oregon State Archive City Records Retention Schedule. Such retention and storage shall be in a safe place, and such original recordings shall not be permitted to be taken outside the confines of City Hall. Copies of all such recordings, which can be taken out, shall be available to any member of the public, and any such copies shall be made at the expense of the person requesting them.

**Ordinances, resolutions and contracts.**

(1) Preparation of Ordinances, Resolutions and Contracts. All ordinances, resolutions and contracts may be prepared by the city manager for presentation to the city council. The city manager, upon advice and consent of the mayor, may submit such ordinances, resolutions and contracts to the city attorney for approval as to form and legality. The city council shall be advised by the city manager, upon presentation of such ordinances, resolutions and contracts, whether or not said documents have been reviewed and approved by the city attorney.

(2) Reading of Ordinances. Every ordinance shall be read fully and distinctly in open council meetings on two different days before being put upon its final passage, except as hereinafter provided:

(a) An ordinance may be enacted at a single meeting of the council by the unanimous vote of all council members present, provided the proposed ordinance is available in writing to the public at least one week before the meeting;

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(b) Any of the readings of an ordinance may be by title only if no council member present requests to have the ordinance read in full and if a copy of the ordinance is provided for each council member and copy is provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance, and if notice of their availability is given the public by posting notice thereof or by advertisement.

(4) Recording of Vote. Upon final passage of an ordinance, the ayes and nays of the members shall be recorded.

**Procedures For Handling Motions and Voting**

(1) To make or move a motion, a Councilor must be recognized by the Chair at a time when there is no other business on the floor. The Councilor then says "I move adoption of an ordinance..." or "I move approval of a resolution...".

(2) Another member seconds the motion. This can be done without being recognized by the Chair. If no member seconds the motion, it does not come before the meeting; it "dies" for lack of a second, and the Chair calls for the next item of business. A second does not necessarily mean that the member favors the motion. It can be that the member simply wants the motion brought on the floor for discussion.

(3) The Chair states the question on the motion. This procedure is necessary for the motion to come before the Council. Prior to this step, the Chair can suggest changes in the motion and the mover can change or withdraw it. No debate can take place until the Chair states the motion is on the floor. At this point, a mover may ask permission to withdraw the motion. It is unnecessary for the Chair to ask the member who seconded the original motion to withdraw the second. Withdrawal of the motion by general consent takes precedence to the second.

(4) Debate then takes place on the motion. The original mover is entitled to the floor first. Each member has the right to speak twice, but should not have the floor the second time until all who wish have spoken once. Unless it is decided otherwise, each speaker is limited to five (5) minutes each time.

(5) The chair then puts the question to a vote. When the debate appears to have closed, the Chair asks "are you ready for the question?". If no one claims the floor, the Chair restates the motion and calls for a vote. The vote is taken in one of two ways, with the Chair deciding the type of vote unless directed otherwise by the Council.

1) Voice Vote: This is the standard method when no more than a majority vote is required. The ayes are called for first and then the nays.

2) Roll call vote: This can be used as an alternative to a voice vote, in verifying an inconclusive voice vote or when a two-thirds vote is required for adoption or if the action requires the vote of each member to be recorded in the minutes.

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3) Vote by Written Ballot: This is another method that is normally used only in cases of elections or a matter where initial confidentiality is needed. However, the results must be made public immediately following the vote.

(6) The Chair announces the voting results. This step is always included to insure Council understanding of the outcome and so that the Recorder will be able to accurately reflect it in the minutes.

(7) Any member of the Council may request an alternative method of voting on any issue.

(8) It is considered inappropriate for members to explain their action during any type of voting.

(9) Members absent or Council positions vacant shall not be considered votes for the purpose of invoking the "tie vote" clause enabling the Mayor to vote. Abstaining shall be considered a negative vote for the purpose of invoking the "tie vote" clause.

(10) Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any councilor who voted with the majority may move for reconsideration of an action at the same or the next following regular meeting of the Council. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent.

**Enactment of Ordinances**

Each ordinance passed by the Council shall take effect on the thirtieth day after it has been adopted by the Council; but when the Council desires, or in case of an emergency, an ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause .

**Travel expenses.**

Any member of the city council shall receive city council approval before any reimbursement will be paid for training, lodging, meals, or mileage.

**Council conduct with one another.**

(1) Civility and Decorum. Practice civility and decorum in discussion and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. However, this does not allow council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

(2) Chair Maintaining Order. Honor the role of the chair in maintaining order. It is the responsibility of the chair to keep the comments of council members on track during public meetings. Council members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda of the chair's action, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

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(3) Personal Comments. Avoid personal comments that could offend other council members. If a council member is personally offended by the remarks of another council member, the offended council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other council member to justify or apologize for the language used. The chair will maintain control of this discussion.

(4) Problem-solving. Demonstrate effective problem-solving approaches. Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(5) Written Notes, Voice Mail Messages, and E-mail. Be aware of the insecurity of written notes, voice mail messages, and e-mail. Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voice mail messages and e-mail should be treated as potentially "public" communication.

**Council conduct with city staff.**

(1) Treatment. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(2) Contact. Limit contact to specific city staff. Questions of city staff and/or requests for additional background information should be directed only to the department heads and/or city manager. When in doubt about what staff contact is appropriate, council members should ask the city manager for direction. Materials supplied to a council member in response to a request will be made available to all members of the council so that all have equal access to information.

(3) Disruptions. Do not disrupt city staff from their jobs. Council members should not disrupt city staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

(4) Criticism. Never publicly criticize an individual employee. Council should never express concerns about the performance of a city employee in public, or to the employee directly. Comments about staff performance should only be made to the city manager through private correspondence or conversation.

(5) Administrative Functions. Do not get involved in administrative functions. Council members must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.

(6) Attending Meetings. Do not attend meetings with city staff unless requested by staff. Even if the council member does not say anything, the council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

(7) Political Support. Do not solicit political support from staff. Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list,

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etc.) from city staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

**Council conduct with the public.**

(1). Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar would speak under public comments. Those people will be given the opportunity to speak no more than three (3) minutes. Speakers may share their time at the discretion of the mayor. The maximum time allowed for public comments, including all speakers is thirty (30) minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Speakers who wish the council to consider written material are encouraged to submit information in writing at least seven (7) days prior to the council meeting. Speakers may also submit information at the meeting. However, it shall be considered by the council at a subsequent meeting unless there is a need for the council to consider the issue that night.

(2). Speakers. Be welcoming to speakers and treat them with care and gentleness. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

(3). No speaker will be turned away unless they exhibit inappropriate behavior. Each speaker may only speak once during a public hearing unless the council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.

(4). Listening. Give the appearance of active listening. It is disconcerting to speakers to have council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, or gazing around the room, gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as “smirking,” disbelief, anger, or boredom.

(5). Clarification. Ask for clarification, but avoid debate and argument with the public. Only the chair – not individual council members – can interrupt a speaker during a presentation. However, a council member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the council member finds disturbing. If speakers become flustered or defensive by council questions, it is the responsibility of the chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by council members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members’ personal opinions or inclinations about upcoming votes should not be revealed until after a public hearing is closed.

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(6). Personal Attacks. No personal attacks of any kind, under any circumstance. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

(7). Parliamentary Procedure. Follow parliamentary procedure in conducting public meetings. The city attorney serves as advisory parliamentarian for the city and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the chair, subject to the appeal of the full council.

(8). Promises. Make no promise on behalf of the council. Council members will frequently be asked to explain a council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of city policy and to refer to city staff for further information. It is inappropriate to overly or implicitly promise council action, or to promise city staff will do something specific (fix a pothole, plant new flowers in the median, etc.).

**(9) Prohibition of Lobbying. Because it is important for appointed or advisory bodies to make objective recommendations on items to the council free of influence, councilors/city staff shall not attempt to lobby any board committee, task force or commission member on any item that is or could be under consideration. (7.7 Dundee Council Rule and Procedures)**

**(10) Prohibition of Drugs and Alcohol. Council members will not give discussion and or vote while under the influence of alcohol or legal and/or illegal drugs. (Zero tolerance)**

### **Compensation for Attendance at Meetings**

Section ~~1.04.020~~ **1.04.010** of the city code provides that council members will receive compensation at the rate of ten dollars (\$10) per meeting for “each meeting the member attends”. The mayor, as a member of the council, is entitled to the meeting compensation.

#### **(1). Compensated Meetings**

The meetings for which council members are compensated for attendance are as follows:

Regular or Special Meetings of the Council. Any regular or special meetings of the council, including any work sessions and goal settings that are officially called where a quorum is present and regardless if the member attends in person or by electronic means.

Subcommittees of the Council. Any subcommittee of the council to which the member is appointed or attends in their official capacity or is an ex-officio, voting or non-voting member.

Boards, Commissions, and Committees of the City . City boards, commissions, and committees for which the council member is appointed by the mayor with approval of the council or the member is an ex-officio, voting or non-voting member.

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Boards, Commissions, and Committees of Other Entities. Boards, commissions, and committees of governmental or non-governmental or private organization in which the council member is appointed by the mayor with approval of the council or appointed by the council or is an ex-officio, voting or non-voting member.

**(2). Non-Compensated Meetings**

The meetings for which council members do not receive compensation for attendance are as follows:

**Social Meetings.** Social meetings in which the main purpose of the meeting is social. Social meetings will include meetings such as annual banquet awards, and other types of celebration meetings.

**Budget Meetings .** Per ORS 294.336 no compensation applies to city budget committee meetings that are held in accordance with the local budget law, which are held annually to review and approve the budget.

**(3). Waiver of Compensation.** A council member may waive the meeting compensation that the council member is entitled to receive. The waiver must be in writing and delivered to the city recorder by January 10 of each year. The waiver shall be valid until December 31 of the calendar year. The waiver is subject to other administrative regulations that may be applicable. The city recorder will furnish a form of waiver to the member and retain the signed copy.

**(4). Voluntary Attendance.** The attendance by the council member may be on a voluntary basis by the council member. The member is not entitled to compensation for this meeting attendance.

**(5). Policy.** In considering which meetings will be compensated, the purpose of the meeting compensation is to encourage council members and to recognize the sacrifices they make in personal time.

**Executive Session Meetings**

Council may meet in executive session in accordance with the Oregon Public Meetings Law (OPML). Matters discussed in executive session will be exempt from public disclosure pursuant to OPML. Council members will not disclose matters discussed in executive session. The city manager will attend all executive sessions, unless he/she is excluded by the council or have requested to be excused. City staff persons, as allowed by the council, may attend. Other persons authorized by OPML may attend. The council by rule may define "news media representatives" within the meaning of the OPML statute, which are allowed to attend executive sessions.

**Ad-hoc Committees**

**(1) Structure of Ad-hoc Committees.** The mayor will have the authority to form ad-hoc committees and may refer matters to the appropriate committee.

**(2) Duty of Ad-hoc Committees.** The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes, make recommendations to the council and record minutes of the meeting,

**This is the draft that resulted from the January 13, 2022 Work session, and was sent to Bill Monahan at Mid-Willamette Valley Council of Governments**

which will be forwarded to the council after approval. The mayor will establish the membership criteria for the ad-hoc committees. Residency may be a required criterion but does not have to be a required criterion.

(3) Appointment of Ad-hoc Members. The mayor will appoint members of the ad hoc committees. The mayor will designate the chair person and the vice chair. Membership on the committees will be appointed as needed to advise the council on specific programs or projects. Members will continue to serve until their mission is accomplished, or they are replaced or reappointment.

(4) Functions of Ad-hoc Committees. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad hoc committee will have only the authority of recommendations to the council. The council has the authority to follow the recommendations, change the recommendations, refer the matter back to the committee or take any other action the Council deems appropriate.

(5) Removal of Members of Ad-hoc Committee. The mayor may remove any member of the ad hoc committee at any time. Members of the committee will be removed if the member fails to attend two (2) consecutive meetings of the committee without being excused prior to the meeting. The mayor has the authority to grant an excused absence and in the mayor's absence, the committee chair has the authority.

(6) Meetings of the Ad-hoc Committees. The meeting time and place of the committees will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet. However, a majority of the committee, as determined by telephone poll, may request a meeting of the committee. Meetings are public meetings and will be conducted in accordance with the OPML.

(7) Staff Support of Ad-hoc Committee. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee. The city manager will assign the specific duties to the staff supporting and working with the membership of the ad-hoc committees. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

(8) Ex-officio Members of Ad-hoc Committees. The mayor and city manager will be ex-officio, non-voting members of all ad-hoc committees. The ex-officio members may attend any committee meeting. If they attend, they may participate in the discussion as is appropriate but will not have a vote in any decision of the ad-hoc committee. However, they are not required to attend committee meetings.

**Amendments to Council Rules**

Amendments to these council rules will be by made by resolution.



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**Statements to the Media and Other Organizations (From LOC Model Rules, 2017)**

- A. **Representing City.** If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
  
- B. **Personal Opinions.** If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

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CITY OF GERVAIS

COUNCIL RULES OF PROCEDURE

Regular meetings.

(1) Time. Regular meetings of the council shall be held at 7:00 p.m. on the First Thursday of each month. When a regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on a day to be agreed upon by the council. A change of any regular meeting date **or time** may be made by motion duly passed at a regular meeting.

(2) Place. All regular meetings of the council shall be held in the council chambers of the City Hall in the City of Gervais unless another facility is needed to accommodate an anticipated increase in attendance or other events.

(3) Quorum **and Attendance**. A majority of members of the council shall constitute a quorum for its business, but three members may meet and compel the attendance of absent members. **Members of the council shall advise the city manager if they will be unable to attend any meetings. It is the expectation of the cCity-Council that each member shall attend each meeting in-person unless there is a compelling reason to attend virtually.**

Comment [SM1]: Language added by B Monahan

(4) Adjournment. The council may adjourn upon motion made at any regular meeting as provided in subsection (1) of this section to the next succeeding regular meeting or to some specified time prior thereto, which adjourned meeting will be deemed to be a continuation meeting.

(5) Work session. **The cGervais City-Council may hold a work session on the third Thursday of each month in the Gervais City Hall or at another time or place in the city in which the cCity-Council designates designates. Such sessions shall allow the cCity-Council an opportunity to discuss or review such topics as, but not limited to, forthcoming projects of the cCity, determining goals for the ensuring year, receiving progress reports on current programs or projects, or to hold open discussions on any cCity-related subject, provided that all discussions thereon shall be informal with no vote or formal action taken. Work sessions shall be open to the public; however, an opportunity for public comment will only be allowed at the discretion of the Presiding Officer or by a majority vote of the council members present. (3.2 Keizer City Council Rules of Procedure)**

(6) Special Meetings. Special meetings of the council may be called by the mayor upon his/her own motion, or at the request of three members of the council upon compliance with the requirements of the Oregon **Public Open Meetings Law Statute. Special meetings of the council may also be held at any time by the consensus of all the members of the council. (3.3 Keizer City Council Rules of Procedure)**

(7) Electronic Meetings. Normally, all cCouncil meetings or work sessions shall be held in-person. **However, upon council motion, and unanimous vote council may schedule a future meeting or work session partially or totally electronically upon a showing of a particular need. (3.4 Keizer City Council Rules of Procedure) If during anthe electronic meeting the connection is lost, a break of fifteen (15)**

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minutes shall be allowed for the staff to attempt to reconnect and broadcast the meeting. If connection cannot be reestablished within fifteen (15) minutes, then the council meeting will be adjourned. An exception to this rule is when a required hearing is scheduled to be held following public notice and postponement to another date would create scheduling issues. In such instances, additional time to connect beyond fifteen (15) minutes shall be allowed. Notice of this provision will be placed on all meeting notices/agendas.

(8) Parliamentary Rules. The conduct of all meetings by the council or any committee shall be governed by those parliamentary rules set forth in Robert's Rules of Order (current edition).

**Attendance**

Any council member who is not able to attend any meeting of the council shall notify either the City Manager or Mayor as soon as practicable prior to the start of the meeting.

**Rules of procedure.**

(1) The council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general.

(2) In all matters to be heard by the council the presiding officer -may introduce the subject, after which the presiding officer may first invite those persons and parties who are proponents of any matter to be considered by the council to speak thereon. Then, the opponents of such proposal shall next be afforded an opportunity to speak thereon. Then members of the staff of the city may speak thereon or answer questions from members of the council or the public. Then the members of the council shall discuss the matters and act thereon.

**Conduct at council and committee of the whole meetings.**

(1) Responsibility for Order. The presiding officer of the council shall be responsible for ensuring that order and decorum are maintained during all meetings of the council, and shall be responsible for assigning to the sergeant-at-arms his or her duties and station.

(2) Sergeant-at-Arms. Chief of Police or his designee shall act as sergeant-at-arms and shall be present as directed by the mayor or council at each council meeting. The sergeant-at-arms shall have the responsibility to maintain order, to enforce the rules of conduct, and to enforce orders given by the presiding officer.

(3) Order and Decorum.

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(a) ~~Any of the following shall be sufficient cause for:~~ The sergeant-at-arms, at the request~~direction~~ of the presiding officer, is authorized to apply their training and experience and make a decision to remove any disruptive person who is preventing the city council from conducting public business from the council chambers, or meeting hall, for the duration of the meeting. Behavior which may be considered disruptive includes, but is not limited to:

Comment [SM2]: New language added because it is a best practice recommendation from CIS.

- (i) The use of unreasonably loud or disruptive language;
- (ii) The making of loud or disruptive noise;
- (iii) The engaging in violent or distracting action;
- (iv) The willful injury of furnishings or of the interior of the council chambers or meeting hall;
- (v) The refusal to obey any of the rules of conduct provided within this section, including the limitations on occupancy and seating capacity; and
- (vi) The refusal to obey an order of the presiding officer or an order issued by any council member which has been approved by a majority of the council members present.

**(vii) Cell Phone Usage By a Councilor During a Council Meeting**

- (1) The council recognizes that a member of council may have a cell phone with them at the dais while a meeting is in session. It is the obligation of a council member to have their cell phone on silent mode, turned off, or not in use during a council meeting. Use of a cell phone shall be for emergency use only.**
- (2) A member of council shall not use their cell phone while at the dais for the purpose of accessing data, sending or reviewing a text message, or engaging in a private conversation. Information received by a member of council during an open, public meeting that is in session should be limited to what is shared with everyone in attendance at the meeting.**

Comment [SM3]: Add language by B Monahan

(b) Unreasonably loud or disruptive language, noise, or conduct is that which obstructs the work or the conduct of business of the council. Before the sergeant-at-arms is directed to remove any person from the meeting hall for conduct described in subsection (3a) of this section, that person shall be given a warning by the presiding officer to cease his or her conduct.

(c) If a meeting is disrupted by members of the audience, the presiding officer or a majority of the council members present may request that the sergeant-at-arms assess the situation and determine whether to order that the council chambers or meeting hall be cleared so that the meeting may continue without disruption of council business.

(4) Limitations on Debate. Time for testimony by members of the audience at public hearings or any council meeting at which the public is invited or allowed to address the council, may be limited for each speaker and for each subject by the presiding officer or by majority vote of the council. All questions and discussion by members of the audience shall be directed to the presiding officer. Direct discussion

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between members of the audience and council members or city employees shall be permitted only at the discretion of the presiding officer. Every person desiring to speak shall first address the presiding officer and upon recognition, shall give his or her name and address and shall confine his or her comments to the issue under consideration.

(5) Picture-Taking and Filming. The taking of photographs in the council chambers or other meeting hall shall ~~not~~ be allowed subject except to when approved by the presiding officer that the recording does not disrupt the meeting. (Note: videotaping of a public meeting is allowed subject to reasonable rules to avoid disruption of the meeting. The Attorney General has concluded that members of the public cannot be prohibited from unobtrusively recording the proceedings of a public meeting.)

**Comment [SM4]:** Language added by B. Monahan

(6) Seating Capacity and Safety Requirements. The safe occupancy and seating capacity of the council chambers as determined by the fire marshal shall be posted within the council chambers. The limitations on occupancy and seating capacity so determined and posted shall be complied with at all times.

**Call to order – Presiding officer.**

The mayor, or in his/her absence the president of the council, shall take the chair precisely at the hour appointed for the meeting, and, when a quorum of council is present, shall immediately call the council to order. In the absence of the mayor or president of the council, the city manager, or his or her assistant, shall call the council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon the arrival of the mayor or president of the council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

**Order of business.**

(1) Agenda. The order of business of each meeting shall be as contained in the agenda prepared by the city manager or designee. The agenda shall be a listing by topic of subjects to be considered by the council, and shall be delivered to members of the council at least 48 hours preceding the meeting to which it pertains, except in the case of an emergency. Failure to make a timely delivery shall not invalidate any action by the council;

(2) Order of Business. The order of business on the agenda may be adjusted at the discretion of the presiding officer and the agenda will be is as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Public Comments (maximum of 30 total minutes for the item which may be extended at the mayor's discretion; allows an opportunity to speak for not more than three (3) minutes per speaker)
- IV. Consent Calendar

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V. Presentations (if necessary)

- VI. Public Hearing (if necessary)
- VII. Old Business
- VIII. New Business
- IX. City Manager's Report
- X. Police Report
- XI. Public Works Report
- XII. Council Business
- XIII. Executive Session (if necessary)
- XIII. Adjournment

At the mayor's discretion, the mayor may change the order of the agenda and allow communications concerning items on the agenda or other council business. Minutes of the business meeting will be kept by the city recorder.

(3) Agenda Availability. Copies of the agenda shall be made available to the press, public, and a minimum of one copy shall be posted on the bulletin board at City Hall;

(4) Placing Items on the Agenda. Anyone Question: does "anyone" mean any person or is this intended to apply only to members of council? If so, it is suggested that anyone be changed to "any member of council" wishing to place an item on the agenda will advise the City Manager or City Recorder no later than noon on the Thursday a week preceding the meeting at which the item is to be considered. The City Manager shall determine whether the proposed agenda item is appropriate for discussion with reasonable time for scheduling the item and having relevant materials and staff present for the meeting.

Comment [SM5]: Need council discussion

Comment [SM6]: Language added by B Monahan

(5) Non-agenda Items. During a designated period of the agenda, citizens may bring forth issues or questions that are not on the meeting's agenda. Comments may be limited at the presiding officer's discretion. These matters shall not be acted on until a subsequent meeting, unless there is a compelling reason which is decided only upon unanimous vote.

(6) Consent Agenda. Relatively minor items, that presumably require no discussion, but which must be approved by the council, may be combined under a "consent agenda" and approved by one motion and vote. Council members or members of the audience may request additions or deletions to the consent agenda without debate. Any item may be removed at the beginning of the meeting for a separate consideration upon request. The action taken on consent agenda items shall be shown in the minutes in the order shown on the agenda; Ordinances and orders will not be placed on the consent calendar. Public comments will be held prior to the approval of the consent calendar to allow the public to

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address items under consent calendar. Collective comments by an individual under public comments will be limited to three (3) minutes.

(7) Presentation from the Public. The agenda shall provide up to fifteen (15) minutes time for the public to bring before the council any business that they feel should be deliberated upon by the council. Council by majority may decline formal action or defer discussion and action to a subsequent meeting. All written material must be submitted to the City Manager or City Recorder no later than noon on the Thursday a week preceding the meeting at which the presentation will be made to be distributed with council packet. Written material submitted after the deadline may not be reviewed and/or considered by the council.

Alternate to Presentation from the Public (From LOC Model Rules, 2017, with additional suggestions) Public Comment. The public shall be entitled to comment on all matters before the council that require a vote.

A. Public comment shall occur after the matter up for vote has been presented by city staff and before the council takes any formal action on the matter.

B. Each member of the public is entitled to comment on the matter before the council for five minutes without interruption. Should an interruption be necessary, the speaker shall be allowed additional time equal to the length of the interruption in order to complete their comment within the established time limit.

C. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the council or city staff.

D. Each person desiring to give public comments shall provide the council with his or her name and address prior to giving comment. This information shall be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.

Comment [SM7]: This is alternate language provided by B. Monahan using LOC Model Rules

(8) Presentation by Members of the Council. The agenda shall provide a time when the mayor or any council member may bring before the council any business that they feel should be deliberated upon by the council. These matters need not be specifically listed on the agenda. These matters shall not be acted on until a subsequent meeting, unless there is a compelling reason which is decided only upon unanimous vote. The council may decline formal action or defer to a subsequent meeting.

**Ex-parte' Contact**

When the council conducts a quasi-judicial public hearing, eachthe council members should declare any ex-parte' contacts that they may have. When the hearing conducted is a quasi-judicial land use public hearing, the ex-parte' contact is governed by the appropriate state law concerning ex-parte' contacts in quasi-judicial land use matters. When the ex-parte' contact concerns non-land use public hearing, atthe councilors should attempt to clearly state any ex-parte' contacts. However, failure to state ex-parte' contact will not be grounds to question, appeal, or overturn the decision of the council unless it can be shown that failure to declare the ex-parte' contact constituted substantial prejudice to a party raising the objection.

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**Public hearing protocol.**

The following shall be the order to hear presentations during a public hearing:

- (1). Presiding officer opens the public hearing and notes the time for the record.
- (2). Presiding officer asks for any ex-parte' contact or declaration of conflict of interest
- (3). Staff Report
- (4). Proponents' presentation
- (5). Opponents' presentation
- (6). Proponents' rebuttal
- (7). Staff summary
- (8). Presiding officer closes the public hearing
- (9). Council discussion
- (10). Council motion, second and vote

**Reading of minutes, statement of bills and treasurer's report.**

Unless a reading of the minutes, statement of bills, and treasurer's report of a council meeting is requested by a member of the council, such minutes, statements, or treasurer's report may be approved without reading if the City Manager has previously furnished each member of the council with a copy thereof. Such copies of the minutes, statement or treasurer's report shall also be available to any member of the public upon request. The city manager shall furnish to each council member the minutes of the previous meeting and a reminder of unresolved items which have recently been discussed by the council.

**Rules of debate.**

- (1) Getting the Floor. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself to the questions under debate, avoiding all personalities and inappropriate language.
- (2) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it is to call that member to order, or as herein otherwise provided. If a member, while speaking, be called to



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order he/she shall cease speaking until the question of order be determined and, if in order, he/she shall be permitted to proceed.

(3) Privilege of Closing Debate. The council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(4) Motion to Reconsider. A motion to reconsider any action taken by the council may be made at the same or the next following regular meeting of the council. Such motion must be made by any member who voted with the majority~~by one of the prevailing side~~, but may be seconded by any member. A motion to reconsider may be made at any time and have precedence over all other motions and it shall be debatable. Nothing herein shall be construed to prevent any member of the council from making or remaking the same or any other motion at the next following regular~~a subsequent~~ meeting of the council. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent.

**Comment [SM8]:** Language in this section was provided by B Monahan.

(5) Synopsis of Debate – When Entered in Minutes. The clerk may be directed by the presiding officer, with consent of the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council.

**Silence constitutes affirmative vote.**

Unless a member of the council states that he/she is not voting, his/her silence shall be recorded as an affirmative vote.

**Recording of proceedings.**

A voice recording machine shall be available at all council meetings. Written minutes of all meetings shall be required as per Oregon Revised Statutes. Minutes will be available to the public within a reasonable amount of time after approval of the city council. Minutes of all meetings will be a permanent record. Audio and/or visual recordings of meetings will be retained per the Oregon State Archive City Records Retention Schedule. Such retention and storage shall be in a safe place, and such original recordings shall not be permitted to be taken outside the confines of City Hall. Copies of all such recordings, which can be taken out, shall be available to any member of the public, and any such copies shall be made at the expense of the person requesting them.

**Ordinances, resolutions and contracts.**

(1) Preparation of Ordinances, Resolutions and Contracts. All ordinances, resolutions and contracts may be prepared by the city manager for presentation to the city council. The city manager, upon advice and consent of the mayor, may submit such ordinances, resolutions and contracts to the city attorney for approval as to form and legality. The city council shall be advised by the city manager, upon presentation of such ordinances, resolutions and contracts, whether or not said documents have been reviewed and approved by the city attorney.

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(2) Reading of Ordinances. Every ordinance shall be read fully and distinctly in open council meetings on two different days before being put upon its final passage, except as hereinafter provided:

(a) An ordinance may be enacted at a single meeting of the council by the unanimous vote of all council members present, provided the proposed ordinance is available in writing to the public at least one week before the meeting;

(b) Any of the readings of an ordinance may be by title only if no council member present requests to have the ordinance read in full and if a copy of the ordinance is provided for each council member and a copy is provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance, and if notice of their availability is given the public by posting notice thereof or by advertisement.

(4) Recording of Vote. Upon final passage of an ordinance, the ayes and nays of the members shall be recorded.

**Procedures For Handling Motions and Voting**

(1) To make or move a motion, a Councilor must be recognized by the Chair at a time when there is no other business on the floor. The Councilor then says "I move adoption of an ordinance..." or "I move approval of a resolution..."

(2) Another member seconds the motion. This can be done without being recognized by the Chair. If no member seconds the motion, it does not come before the meeting; it "dies" for lack of a second, and the Chair calls for the next item of business. A second does not necessarily mean that the member favors the motion. It can be that the member simply wants the motion brought on the floor for discussion.

(3) The Chair states the question on the motion. This procedure is necessary for the motion to come before the Council. Prior to this step, the Chair can suggest changes in the motion and the mover can change or withdraw it. No debate can take place until the Chair states the motion is on the floor. At this point, a mover may ask permission to withdraw the motion. It is unnecessary for the Chair to ask the member who seconded the original motion to withdraw the second. Withdrawal of the motion by general consent takes precedence to the second.

(4) Debate then takes place on the motion. The original mover is entitled to the floor first. Each member has the right to speak twice, but should not have the floor the second time until all who wish have spoken once. Unless it is decided otherwise, each speaker is limited to five (5) minutes each time.

(5) The chair then puts the question to a vote. When the debate appears to have closed, the Chair asks, "are you ready for the question?". If no one claims the floor, the Chair restates the motion and calls for a vote. The vote is taken in one of two ways, with the Chair deciding the type of vote unless directed otherwise by the Council. In either case, the minutes of the meeting shall note the vote of each member by name.

**Comment [SM9]:** Language provided by B Monahan

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1) Voice Vote: This is the standard method when no more than a majority vote is required. The ayes are called for first and then the nays.

2) Roll call vote: This can be used as an alternative to a voice vote, in verifying an inconclusive voice vote or when a two-thirds vote is required for adoption ~~or if the action requires the vote of each member to be recorded in the minutes.~~

3) Vote by Written Ballot: This is another method that is normally used only in cases of elections or a matter where initial confidentiality is needed. However, the results must be made public immediately following the vote.

(6) The Chair announces the voting results. This step is always included to ensure Council understanding of the outcome and so that the Recorder will be able to accurately reflect it in the minutes.

(7) Any member of the Council may request an alternative method of voting on any issue.

(8) It is considered inappropriate for members to explain their action during any type of voting.

(9) Members absent or Council positions vacant shall not be considered votes for the purpose of invoking the "tie vote" clause enabling the Mayor to vote. Abstaining shall be considered a negative vote for the purpose of invoking the "tie vote" clause.

~~(10) Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any councilor who voted with the majority may move for reconsideration of an action at the same or the next following regular meeting of the Council. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent.~~

**Comment [BM10]:** Section (10) was deleted after incorporating some language into an earlier discussion of reconsideration in Rules of debate (4) Motion to Reconsider. The two sections were not totally consistent.

**Enactment of Ordinances**

Each ordinance passed by the Council shall take effect on the thirtieth day after it has been adopted by the Council; but when the Council desires, or in case of an emergency, an ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

**Travel expenses.**

Any member of the city council shall receive city council approval before any reimbursement will be paid for training, lodging, meals, or mileage.

**Council conduct with one another.**

(1) Civility and Decorum. A council member shall always pPractice civility and decorum in discussion and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. However, this does not allow council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

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- (2) Chair Maintaining Order. A council member shall always hHonor the role of the chair in maintaining order. It is the responsibility of the chair to keep the comments of council members on track during public meetings. Council members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda of the chair's action, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (3) Personal Comments. A council member shall always aAvoid personal comments that could offend other council members. If a council member is personally offended by the remarks of another council member, the offended council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other council member to justify or apologize for the language used. The chair will maintain control of this discussion.
- (4) Problem-solving. A council member shall always dDemonstrate effective problem-solving approaches. Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
- (5) Written Notes, Voice Mail Messages, and E-mail. A council member must always bBe aware of the insecurity of written notes, voice mail messages, and e-mail. Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voice mail messages and e-mail should be treated as potentially "public" communication.

**Council conduct with city staff.**

Each of the following types of conduct are required duties of a council member when dealing with city staff:

- (1) Treatment. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- (2) Contact. Limit contact to specific city staff. Questions of city staff and/or requests for additional background information should be directed only to the department heads and/or city manager. When in doubt about what staff contact is appropriate, council members should ask the city manager for direction. Materials supplied to a council member in response to a request will be made available to all members of the council so that all have equal access to information.
- (3) Disruptions. Do not disrupt city staff from their jobs in order to have the staff address the council member's individual needs. Council members should not disrupt city staff while they are in meetings, on the phone, or engrossed in performing their job functions ~~in order to have their individual needs met~~.
- (4) Criticism. Never publicly criticize an individual employee. Council should never express concerns about the performance of a city employee in public, or to the employee directly. Comments about staff performance should only be made to the city manager through private correspondence or conversation.

**Draft (showing track changes) from Bill Monahan, Mid-Willamette Valley Council of Governments**

(5) Administrative Functions. Do not get involved in administrative functions. Council members must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.

(6) Attending Meetings. Do not attend meetings with city staff unless requested by staff. Even if the council member does not say anything, the council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

(7) Political Support. Do not solicit political support from staff. Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from city staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

**Council conduct with the public.**

(1). Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar may, when recognized by the presiding officer, would speak under public comments. Those people will be given the opportunity to speak no more than three (3) minutes. Speakers may share their time at the discretion of the mayor. The maximum time allowed for public comments, including all speakers is thirty (30) minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Speakers who wish the council to consider written material are encouraged to submit information in writing at least seven (7) days prior to the council meeting. Speakers may also submit information at the meeting. However, it shall be considered by the council at a subsequent meeting unless there is a need for the council to consider the issue that night.

(2). Speakers. All members of council shall bBe welcoming to speakers and treat them with care and gentleness. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

(3). No speaker will be turned away unless they exhibit inappropriate behavior. Each speaker may only speak once during a public hearing unless the council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.

(4). Listening. All members of council shall gGive the appearance of active listening. It is disconcerting to speakers to have council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, or gazing around the room, gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger, or boredom.

**Draft (showing track changes) from Bill Monahan, Mid-Willamette Valley Council of Governments**

(5). Clarification. A member of council may ask for clarification, but avoid debate and argument with the public. Only the chair – not individual council members – can interrupt a speaker during a presentation. However, a council member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the council member finds disturbing. If speakers become flustered or defensive by council questions, it is the responsibility of the chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by council members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members’ personal opinions or inclinations about upcoming votes should not be revealed until after a public hearing is closed.

(6). Personal Attacks. A member of council shall not engage in no personal attacks of any kind, under any circumstance. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

(7). Parliamentary Procedure. A member of council shall follow parliamentary procedure in conducting public meetings. The city attorney serves as advisory parliamentarian for the city and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the chair, subject to the appeal of the full council.

(8). Promises. A member of council shall not make a no-promise on behalf of the council. Council members will frequently be asked to explain a council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of city policy and to refer to city staff for further information. It is inappropriate to **promise council action overtly or implicitly**, or to promise city staff will do something specific (fix a pothole, plant new flowers in the median, etc.).

**(9) Prohibition of Lobbying. Because it is important for appointed or advisory bodies to make objective recommendations on items to the council free of influence, a member of council/city staff shall not attempt to lobby any board committee, task force or commission member on any item that is or could be under consideration. (7.7 Dundee Council Rule and Procedures)**

**(10) Prohibition of Drugs and Alcohol. The council acts as a body with the intent to conduct city business in a fair and appropriate manner while maintaining the respect and trust of the community. A member of council does not have authority to act on their own to bring discredit on the council in the conduct of its business. No council members will not give discussion and/or vote at a council meeting while under the influence of alcohol or legal and/or illegal drugs.**

**Comment [SM11]:** Language added by B Monahan

**Stipend for Attendance at Meetings**

Section ~~1.04.020~~ **1.04.010** of the city code provides that council members will receive a stipend for their service(s) at the rate of ten dollars (\$10) per meeting for “each meeting of the council the member attends”. The mayor, as a member of the council, is entitled to receive the meeting stipend.

**Draft (showing track changes) from Bill Monahan, Mid-Willamette Valley Council of Governments**

(1). Compensated Meetings

The meetings for which council members are compensated **by stipend** for attendance are as follows:

Regular or Special Meetings of the Council. Any regular or special meetings of the council, including any work sessions and goal settings that are officially called where a quorum is present and regardless of if the member attends in person or by electronic means.

Subcommittees of the Council. Any subcommittee of the council to which the member is appointed or attends in their official capacity or is ex-officio, voting or non-voting member.

Boards, Commissions, and Committees of the City. City boards, commissions, and committees for which the council member is appointed by the mayor with approval of the council, or the member is ex-officio, voting or non-voting member.

Boards, Commissions, and Committees of Other Entities. Boards, commissions, and committees of governmental or non-governmental or private organization in which the council member is appointed by the mayor with approval of the council or appointed by the council or is ex-officio, voting or non-voting member.

(2). Non-Compensated Meetings

The meetings for which council members do not receive **a stipend as** compensation for attendance are as follows:

Social Meetings. Social meetings in which the main purpose of the meeting is social. Social meetings will include meetings such as annual banquet awards, and other types of celebration meetings.

Budget Meetings. Per ORS 294.336 no compensation applies to city budget committee meetings that are held in accordance with the local budget law, which are held annually to review and approve the budget.

(3). Waiver of **Stipend**. A council member may waive the meeting **stipend** that the council member is entitled to receive. The waiver **of a member then sitting on the council** must be in writing and delivered to the city recorder by January 10 of **a** year. The waiver shall be valid until December 31 of the calendar year. The waiver is subject to other administrative regulations that may be applicable. The city recorder will furnish a form of waiver to the member and retain the signed copy. **In the event a council position becomes vacant during the year, section 1.04.020 B. of the city code applies.**

(4). Voluntary Attendance. The attendance by the council member **at a non-compensated meeting** may be on a voluntary basis by the council member. The member is not entitled to **a stipend** for this meeting attendance.

(5). Policy. In considering which meetings will be compensated, the purpose of the meeting **stipend** is to encourage council members' **participation** and to recognize the sacrifices they make in personal time.

**Draft (showing track changes) from Bill Monahan, Mid-Willamette Valley Council of Governments**

**Executive Session Meetings**

Council may meet in executive session in accordance with the Oregon Public Meetings Law (OPML). Matters discussed in executive session will be exempt from public disclosure pursuant to OPML. Council members will not disclose matters discussed in executive session. The city manager will attend all executive sessions, unless he/she is excluded by the council or have requested to be excused. City staff persons, as allowed by the council, may attend. Other persons authorized by OPML may attend. The council by rule may define "news media representatives" within the meaning of the OPML statute, which are allowed to attend executive sessions.

**Ad-hoc Committees**

(1) Structure of Ad-hoc Committees. The mayor will have the authority to form ad-hoc committees and may refer matters to the appropriate committee.

(2) Duty of Ad-hoc Committees. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes, make recommendations to the council and record minutes of the meeting, which will be forwarded to the council after approval. The mayor will establish the membership criteria for the ad-hoc committees. Residency may be a required criterion but does not have to be a required criterion.

(3) Appointment of Ad-hoc Members. The mayor will appoint members of the ad hoc committees. The mayor will designate the chairperson and the vice chair. Membership on the committees will be appointed as needed to advise the council on specific programs or projects. Members will continue to serve until their mission is accomplished, or they are removed, replaced or reappointment.

(4) Functions of Ad-hoc Committees. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad hoc committee will have only the authority of recommendations to the council. The council has the authority to follow the recommendations, change the recommendations, refer the matter back to the committee or take any other action the cCouncil deems appropriate.

(5) Removal of Members of Ad-hoc Committee. The mayor may remove any member of an~~the~~ ad hoc committee at any time. Members of the committee will be removed if the member fails to attend two (2) consecutive meetings of the committee without being excused prior to the meeting. The mayor has the authority to grant an excused absence, and, in the mayor's absence, the committee chair has the authority.

(6) Meetings of the Ad-hoc Committees. The meeting time and place of the committees will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet. However, a majority of the committee, as determined by telephone poll, may request a meeting of the committee. Meetings are public meetings and will be conducted in accordance with the OPML.



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(7) Staff Support of Ad-hoc Committee. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee. The city manager will assign the specific duties to the staff supporting and working with the membership of the ad-hoc committees. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

(8) Ex-officio Members of Ad-hoc Committees. The mayor and city manager will be ex-officio, non-voting members of all ad-hoc committees. The ex-officio members may attend any committee meeting. If they attend, they may participate in the discussion as is appropriate but will not have a vote in any decision of the ad-hoc committee. However, they are not required to attend committee meetings.

**Amendments to Council Rules**

Amendments to these council rules will be by made by resolution.

**Statements to the Media and Other Organizations (From LOC Model Rules, 2017)**

- A. **Representing City.** If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
- B. **Personal Opinions.** If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.
- C. **Use of Social Media.** On social media platforms, members of council are encouraged to exercise caution when commenting on municipal affairs. While using social media, members of council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
- D. **Posting Comments on Social Media.** Members of council will refrain from posting comments on social media that:
  - 1. express a council position prior to a council determination of a position or on a matter that would otherwise require council authorization prior to expression of a position, or
  - 2. express an opinion in a manner that is contrary to the intent of subsection A. or B. of these rules above.

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Comment [SM12]: Language added by B Monahan

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## CITY OF GERVAIS

### COUNCIL RULES OF PROCEDURE

#### Regular meetings.

(1) Time. Regular meetings of the council shall be held at 7:00 p.m. on the First Thursday of each month. When a regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on a day to be agreed upon by the council. A change of any regular meeting date **or time** may be made by motion duly passed at a regular meeting.

(2) Place. All regular meetings of the council shall be held in the council chambers of the City Hall in the City of Gervais unless another facility is needed to accommodate an anticipated increase in attendance or other events.

(3) Quorum **and Attendance**. A majority of members of the council shall constitute a quorum for its business, but three members may meet and compel the attendance of absent members. **Members of the council shall advise the city manager if they will be unable to attend any meetings. It is the expectation of the council that each member shall attend each meeting in-person unless there is a compelling reason to attend virtually.**

Comment [SM1]: Language added by B Monahan

(4) Adjournment. The council may adjourn upon motion made at any regular meeting as provided in subsection (1) of this section to the next succeeding regular meeting or to some specified time prior thereto, which adjourned meeting will be deemed to be a continuation meeting.

**(5) Work session. The council may hold a work session on the third Thursday of each month in the Gervais City Hall or at another time or place in the city which the council designates. Such sessions shall allow the council an opportunity to discuss or review such topics as, but not limited to, forthcoming projects of the city, determining goals for the ensuring year, receiving progress reports on current programs or projects, or to hold open discussions on any city-related subject, provided that all discussions thereon shall be informal with no vote or formal action taken. Work sessions shall be open to the public; however, an opportunity for public comment will only be allowed at the discretion of the Presiding Officer or by a majority vote of the council members present. (3.2 Keizer City Council Rules of Procedure)**

(6) Special Meetings. Special meetings of the council may be called by the mayor upon his/her own motion, or at the request of three members of the council upon compliance with the requirements of the Oregon Public Meetings Law. **Special meetings of the council may also be held at any time by the consensus of all the members of the council. (3.3 Keizer City Council Rules of Procedure)**

(7) Electronic Meetings. Normally, all council meetings or work sessions shall be held in-person. However, upon council motion, and unanimous vote council may schedule a future meeting or work session partially or totally electronically upon a showing of a particular need. **(3.4 Keizer City Council Rules of Procedure) If during an electronic meeting the connection is lost, a break of fifteen (15)**

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minutes shall be allowed for the staff to attempt to reconnect and broadcast the meeting. If connection cannot be reestablished within fifteen (15) minutes, then the council meeting will be adjourned. An exception to this rule is when a required hearing is scheduled to be held following public notice and postponement to another date would create scheduling issues. In such instances, additional time to connect beyond fifteen (15) minutes shall be allowed. Notice of this provision will be placed on all meeting notices/agendas.

(8) Parliamentary Rules. The conduct of all meetings by the council or any committee shall be governed by those parliamentary rules set forth in Robert's Rules of Order (current edition).

#### **Attendance**

**A council member who is not able to attend any meeting of the council shall notify either the City Manager or Mayor as soon as practicable prior to the start of the meeting.**

#### **Rules of procedure.**

(1) The council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general.

(2) In all matters to be heard by the council the presiding officer may introduce the subject, after which the presiding officer may first invite those persons and parties who are proponents of any matter to be considered by the council to speak thereon. Then, the opponents of such proposal shall next be afforded an opportunity to speak thereon. Then members of the staff of the city may speak thereon or answer questions from members of the council or the public. Then the members of the council shall discuss the matters and act thereon.

#### **Conduct at council and committee of the whole meetings.**

(1) Responsibility for Order. The presiding officer of the council shall be responsible for ensuring that order and decorum are maintained during all meetings of the council, and shall be responsible for assigning to the sergeant-at-arms his or her duties and station.

(2) Sergeant-at-Arms. Chief of Police or his designee shall act as sergeant-at-arms and shall be present as directed by the mayor or council at each council meeting. The sergeant-at-arms shall have the responsibility to maintain order, to enforce the rules of conduct, and to enforce orders given by the presiding officer.

(3) Order and Decorum.

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(a) The sergeant-at-arms, at the request of the presiding officer, is authorized to apply their training and experience and make a decision to remove any disruptive person who is preventing the city council from conducting public business from the council chambers, or meeting hall, for the duration of the meeting. Behavior which may be considered disruptive includes, but is not limited to:

Comment [SM2]: New language added because it is a best practice recommendation from CIS.

- (i) The use of unreasonably loud or disruptive language;
- (ii) The making of loud or disruptive noise;
- (iii) The engaging in violent or distracting action;
- (iv) The willful injury of furnishings or of the interior of the council chambers or meeting hall;
- (v) The refusal to obey any of the rules of conduct provided within this section, including the limitations on occupancy and seating capacity; and
- (vi) The refusal to obey an order of the presiding officer or an order issued by any council member which has been approved by a majority of the council members present.

**(vii) Cell Phone Usage By a Councilor During a Council Meeting**

- (1) The council recognizes that a member of council may have a cell phone with them at the dais while a meeting is in session. It is the obligation of a council member to have their cell phone on silent mode, turned off, or not in use during a council meeting. Use of a cell phone shall be for emergency use only.
- (2) A member of council shall not use their cell phone while at the dais for the purpose of accessing data, sending or reviewing a text message, or engaging in a private conversation. Information received by a member of council during an open, public meeting that is in session should be limited to what is shared with everyone in attendance at the meeting.

Comment [SM3]: Added language by B Monahan

(b) Unreasonably loud or disruptive language, noise, or conduct is that which obstructs the work or the conduct of business of the council. Before the sergeant-at-arms is directed to remove any person from the meeting hall for conduct described in subsection (3a) of this section, that person shall be given a warning by the presiding officer to cease his or her conduct.

(c) If a meeting is disrupted by members of the audience, the presiding officer or a majority of the council members present may request that the sergeant-at-arms assess the situation and determine whether to order that the council chambers or meeting hall be cleared so that the meeting may continue without disruption of council business.

(4) Limitations on Debate. Time for testimony by members of the audience at public hearings or any council meeting at which the public is invited or allowed to address the council, may be limited for each speaker and for each subject by the presiding officer or by majority vote of the council. All questions and discussion by members of the audience shall be directed to the presiding officer. Direct discussion between members of the audience and council members or city employees shall be permitted only at

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the discretion of the presiding officer. Every person desiring to speak shall first address the presiding officer and upon recognition, shall give his or her name and address and shall confine his or her comments to the issue under consideration.

(5) Picture-Taking and Filming. The taking of photographs in the council chambers or other meeting hall shall be allowed subject to approval by the presiding officer that the recording does not disrupt the meeting. (Note: videotaping of a public meeting is allowed subject to reasonable rules to avoid disruption of the meeting. The Attorney General has concluded that members of the public cannot be prohibited from unobtrusively recording the proceedings of a public meeting.)

**Comment [SM4]:** Language added by B. Monahan

(6) Seating Capacity and Safety Requirements. The safe occupancy and seating capacity of the council chambers as determined by the fire marshal shall be posted within the council chambers. The limitations on occupancy and seating capacity so determined and posted shall be complied with at all times.

**Call to order – Presiding officer.**

The mayor, or in his/her absence the president of the council, shall take the chair precisely at the hour appointed for the meeting, and, when a quorum of council is present, shall immediately call the council to order. In the absence of the mayor or president of the council, the city manager, or his or her assistant, shall call the council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon the arrival of the mayor or president of the council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

**Order of business.**

(1) Agenda. The order of business of each meeting shall be as contained in the agenda prepared by the city manager or designee. The agenda shall be a listing by topic of subjects to be considered by the council, and shall be delivered to members of the council at least 48 hours preceding the meeting to which it pertains, except in the case of an emergency. Failure to make a timely delivery shall not invalidate any action by the council;

(2) Order of Business. The order of business on the agenda may be adjusted at the discretion of the presiding officer and the agenda will be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Public Comments (maximum of 30 total minutes for the item which may be extended at the mayor's discretion; allows an opportunity to speak for not more than three (3) minutes per speaker)
- IV. Consent Calendar
- V. **Presentations (if necessary)**

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- VI. Public Hearing (if necessary)
- VII. Old Business
- VIII. New Business
- IX. City Manager's Report
- X. Police Report
- XI. Public Works Report
- XII. Council Business
- XIII. Executive Session (if necessary)
- XIII. Adjournment

At the mayor's discretion, the mayor may change the order of the agenda and allow communications concerning items on the agenda or other council business. Minutes of the business meeting will be kept by the city recorder.

(3) Agenda Availability. Copies of the agenda shall be made available to the press, public, and a minimum of one copy shall be posted on the bulletin board at City Hall;

(4) Placing Items on the Agenda. Anyone (Question: does "anyone" mean any person or is this intended to apply only to members of council? If so, it is suggested that anyone be changed to "any member of council") wishing to place an item on the agenda will advise the City Manager or City Recorder no later than noon on the Thursday a week preceding the meeting at which the item is to be considered. The City Manager shall determine whether the proposed agenda item is appropriate for discussion with reasonable time for scheduling the item and having relevant materials and staff present for the meeting.

Comment [SM5]: Need council discussion

Comment [SM6]: Language added by B Monahan

(5) Non-agenda Items. During a designated period of the agenda, citizens may bring forth issues or questions that are not on the meeting's agenda. Comments may be limited at the presiding officer's discretion. These matters shall not be acted on until a subsequent meeting, unless there is a compelling reason which is decided only upon unanimous vote.

(6) Consent Agenda. Relatively minor items, that presumably require no discussion, but which must be approved by the council, may be combined under a "consent agenda" and approved by one motion and vote. Council members or members of the audience may request additions or deletions to the consent agenda without debate. Any item may be removed at the beginning of the meeting for a separate consideration upon request. The action taken on consent agenda items shall be shown in the minutes in the order shown on the agenda; Ordinances and orders will not be placed on the consent calendar. Public comments will be held prior to the approval of the consent calendar to allow the public to address items under consent calendar. Collective comments by an individual under public comments will be limited to three (3) minutes.

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(7) Presentation from the Public. The agenda shall provide up to fifteen (15) minutes time for the public to bring before the council any business that they feel should be deliberated upon by the council. Council by majority may decline formal action or defer discussion and action to a subsequent meeting. All written material must be submitted to the City Manager or City Recorder no later than noon on the Thursday a week preceding the meeting at which the presentation will be made to be distributed with council packet. Written material submitted after the deadline may not be reviewed and/or considered by the council.

Alternate to Presentation from the Public (From LOC Model Rules, 2017, with additional suggestions) Public Comment. The public shall be entitled to comment on all matters before the council that require a vote.

A. Public comment shall occur after the matter up for vote has been presented by city staff and before the council takes any formal action on the matter.

B. Each member of the public is entitled to comment on the matter before the council for five minutes without interruption. Should an interruption be necessary, the speaker shall be allowed additional time equal to the length of the interruption in order to complete their comment within the established time limit.

C. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the council or city staff.

D. Each person desiring to give public comments shall provide the council with his or her name and address prior to giving comment. This information shall be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.

Comment [SM7]: This is alternate language provided by B Monahan using LOC Model Rules

(8) Presentation by Members of the Council. The agenda shall provide a time when the mayor or any council member may bring before the council any business that they feel should be deliberated upon by the council. These matters need not be specifically listed on the agenda. These matters shall not be acted on until a subsequent meeting, unless there is a compelling reason which is decided only upon unanimous vote. The council may decline formal action or defer to a subsequent meeting.

#### Ex-parte' Contact

When the council conducts a quasi-judicial public hearing, each council member should declare any ex-parte' contacts that they may have. When the hearing conducted is a quasi-judicial land use public hearing, the ex-parte' contact is governed by the appropriate state law concerning ex-parte' contacts in quasi-judicial land use matters. When the ex-parte' contact concerns non-land use public hearing, a councilor should attempt to clearly state any ex-parte' contacts. However, failure to state ex-parte' contact will not be grounds to question, appeal, or overturn the decision of the council unless it can be shown that failure to declare the ex-parte' contact constituted substantial prejudice to a party raising the objection.

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**Public hearing protocol.**

The following shall be the order to hear presentations during a public hearing:

- (1). Presiding officer opens the public hearing and notes the time for the record.
- (2). Presiding officer asks for any ex-parte' contact or declaration of conflict of interest
- (3). Staff Report
- (4). Proponents' presentation
- (5). Opponents' presentation
- (6). Proponents' rebuttal
- (7). Staff summary
- (8). Presiding officer closes the public hearing
- (9). Council discussion
- (10). Council motion, second and vote

**Reading of minutes, statement of bills and treasurer's report.**

Unless a reading of the minutes, statement of bills, and treasurer's report of a council meeting is requested by a member of the council, such minutes, statements, or treasurer's report may be approved without reading if the City Manager has previously furnished each member of the council with a copy thereof. Such copies of the minutes, statement or treasurer's report shall also be available to any member of the public upon request. The city manager shall furnish to each council member the minutes of the previous meeting and a reminder of unresolved items which have recently been discussed by the council.

**Rules of debate.**

- (1) Getting the Floor. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself to the questions under debate, avoiding all personalities and inappropriate language.
- (2) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it is to call that member to order, or as herein otherwise provided. If a member, while speaking, be called to order he/she shall cease speaking until the question of order be determined and, if in order, he/she shall be permitted to proceed.



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(3) Privilege of Closing Debate. The council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(4) Motion to Reconsider. A motion to reconsider any action taken by the council may be made at the same or the next following regular meeting of the council. Such motion must be made by any member who voted with the majority, but may be seconded by any member. A motion to reconsider may be made at any time and have precedence over all other motions and it shall be debatable. Nothing herein shall be construed to prevent any member of the council from making or remaking the same or any other motion at the next following regular meeting of the council. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent.

**Comment [SM8]:** Language in this section was provided by B Monahan.

(5) Synopsis of Debate – When Entered in Minutes. The clerk may be directed by the presiding officer, with consent of the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council.

**Silence constitutes affirmative vote.**

Unless a member of the council states that he/she is not voting, his/her silence shall be recorded as an affirmative vote.

**Recording of proceedings.**

A voice recording machine shall be available at all council meetings. Written minutes of all meetings shall be required as per Oregon Revised Statutes. Minutes will be available to the public within a reasonable amount of time after approval of the city council. Minutes of all meetings will be a permanent record. Audio and/or visual recordings of meetings will be retained per the Oregon State Archive City Records Retention Schedule. Such retention and storage shall be in a safe place, and such original recordings shall not be permitted to be taken outside the confines of City Hall. Copies of all such recordings, which can be taken out, shall be available to any member of the public, and any such copies shall be made at the expense of the person requesting them.

**Ordinances, resolutions and contracts.**

(1) Preparation of Ordinances, Resolutions and Contracts. All ordinances, resolutions and contracts may be prepared by the city manager for presentation to the city council. The city manager, upon advice and consent of the mayor, may submit such ordinances, resolutions and contracts to the city attorney for approval as to form and legality. The city council shall be advised by the city manager, upon presentation of such ordinances, resolutions and contracts, whether or not said documents have been reviewed and approved by the city attorney.

(2) Reading of Ordinances. Every ordinance shall be read fully and distinctly in open council meetings on two different days before being put upon its final passage, except as hereinafter provided:

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(a) An ordinance may be enacted at a single meeting of the council by the unanimous vote of all council members present, provided the proposed ordinance is available in writing to the public at least one week before the meeting;

(b) Any of the readings of an ordinance may be by title only if no council member present requests to have the ordinance read in full and if a copy of the ordinance is provided for each council member and a copy is provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance, and if notice of their availability is given the public by posting notice thereof or by advertisement.

(4) Recording of Vote. Upon final passage of an ordinance, the ayes and nays of the members shall be recorded.

**Procedures For Handling Motions and Voting**

(1) To make or move a motion, a Councilor must be recognized by the Chair at a time when there is no other business on the floor. The Councilor than says "I move adoption of an ordinance..." or "I move approval of a resolution...".

(2) Another member seconds the motion. This can be done without being recognized by the Chair. If no member seconds the motion, it does not come before the meeting; it "dies" for lack of a second, and the Chair calls for the next item of business. A second does not necessarily mean that the member favors the motion. It can be that the member simply wants the motion brought on the floor for discussion.

(3) The Chair states the question on the motion. This procedure is necessary for the motion to come before the Council. Prior to this step, the Chair can suggest changes in the motion and the mover can change or withdraw it. No debate can take place until the Chair states the motion is on the floor. At this point, a mover may ask permission to withdraw the motion. It is unnecessary for the Chair to ask the member who seconded the original motion to withdraw the second. Withdrawal of the motion by general consent takes precedence to the second.

(4) Debate then takes place on the motion. The original mover is entitled to the floor first. Each member has the right to speak twice, but should not have the floor the second time until all who wish have spoken once. Unless it is decided otherwise, each speaker is limited to five (5) minutes each time.

(5) The chair then puts the question to a vote. When the debate appears to have closed, the Chair asks, "are you ready for the question?". If no one claims the floor, the Chair restates the motion and calls for a vote. The vote is taken in one of two ways, with the Chair deciding the type of vote unless directed otherwise by the Council. In either case, the minutes of the meeting shall note the vote of each member by name.

1) Voice Vote: This is the standard method when no more than a majority vote is required. The ayes are called for first and then the nays.

**Comment [SM9]:** Language provided by B Monahan

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2) Roll call vote: This can be used as an alternative to a voice vote, in verifying an inconclusive voice vote or when a two-thirds vote is required for adoption.

3) Vote by Written Ballot: This is another method that is normally used only in cases of elections or a matter where initial confidentiality is needed. However, the results must be made public immediately following the vote.

(6) The Chair announces the voting results. This step is always included to ensure Council understanding of the outcome and so that the Recorder will be able to accurately reflect it in the minutes.

(7) Any member of the Council may request an alternative method of voting on any issue.

(8) It is considered inappropriate for members to explain their action during any type of voting.

(9) Members absent or Council positions vacant shall not be considered votes for the purpose of invoking the "tie vote" clause enabling the Mayor to vote. Abstaining shall be considered a negative vote for the purpose of invoking the "tie vote" clause.

**Enactment of Ordinances**

Each ordinance passed by the Council shall take effect on the thirtieth day after it has been adopted by the Council; but when the Council desires, or in case of an emergency, an ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

**Travel expenses.**

Any member of the city council shall receive city council approval before any reimbursement will be paid for training, lodging, meals, or mileage.

**Council conduct with one another.**

(1) Civility and Decorum. A council member shall always practice civility and decorum in discussion and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. However, this does not allow council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

(2) Chair Maintaining Order. A council member shall always honor the role of the chair in maintaining order. It is the responsibility of the chair to keep the comments of council members on track during public meetings. Council members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda of the chair's action, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

(3) Personal Comments. A council member shall always avoid personal comments that could offend other council members. If a council member is personally offended by the remarks of another council member, the offended council member should make notes of the actual words used and call for a "point

**Comment [BM10]:** Section (10) was deleted after incorporating some language into an earlier discussion of reconsideration in Rules of debate (4) Motion to Reconsider. The two sections were not totally consistent.

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of personal privilege" that challenges the other council member to justify or apologize for the language used. The chair will maintain control of this discussion.

(4) Problem-solving. A council member shall always demonstrate effective problem-solving approaches. Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(5) Written Notes, Voice Mail Messages, and E-mail. A council member must always be aware of the insecurity of written notes, voice mail messages, and e-mail. Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voice mail messages and e-mail should be treated as potentially "public" communication.

**Council conduct with city staff.**

Each of the following types of conduct are required duties of a council member when dealing with city staff:

(1) Treatment. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(2) Contact. Limit contact to specific city staff. Questions of city staff and/or requests for additional background information should be directed only to the department heads and/or city manager. When in doubt about what staff contact is appropriate, council members should ask the city manager for direction. Materials supplied to a council member in response to a request will be made available to all members of the council so that all have equal access to information.

(3) Disruptions. Do not disrupt city staff from their jobs in order to have the staff address the council member's individual needs. Council members should not disrupt city staff while they are in meetings, on the phone, or engrossed in performing their job functions.

(4) Criticism. Never publicly criticize an individual employee. Council should never express concerns about the performance of a city employee in public, or to the employee directly. Comments about staff performance should only be made to the city manager through private correspondence or conversation.

(5) Administrative Functions. Do not get involved in administrative functions. Council members must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.

(6) Attending Meetings. Do not attend meetings with city staff unless requested by staff. Even if the council member does not say anything, the council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

(7) Political Support. Do not solicit political support from staff. Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list,

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etc.) from city staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

**Council conduct with the public.**

- (1). Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar may, when recognized by the presiding officer, speak under public comments. Those people will be given the opportunity to speak no more than three (3) minutes. Speakers may share their time at the discretion of the mayor. The maximum time allowed for public comments, including all speakers is thirty (30) minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Speakers who wish the council to consider written material are encouraged to submit information in writing at least seven (7) days prior to the council meeting. Speakers may also submit information at the meeting. However, it shall be considered by the council at a subsequent meeting unless there is a need for the council to consider the issue that night.
- (2). Speakers. All members of council shall be welcoming to speakers and treat them with care and gentleness. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.
- (3). No speaker will be turned away unless they exhibit inappropriate behavior. Each speaker may only speak once during a public hearing unless the council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.
- (4). Listening. All members of council shall give the appearance of active listening. It is disconcerting to speakers to have council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, or gazing around the room, gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger, or boredom.
- (5). Clarification. A member of council may ask for clarification, but avoid debate and argument with the public. Only the chair – not individual council members – can interrupt a speaker during a presentation. However, a council member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the council member finds disturbing. If speakers become flustered or defensive by council questions, it is the responsibility of the chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by council members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after a public hearing is closed.

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(6). Personal Attacks. A member of council shall not engage in personal attacks of any kind, under any circumstance. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

(7). Parliamentary Procedure. A member of council shall follow parliamentary procedure in conducting public meetings. The city attorney serves as advisory parliamentarian for the city and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the chair, subject to the appeal of the full council.

(8). Promises. A member of council shall not make a promise on behalf of the council. Council members will frequently be asked to explain a council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of city policy and to refer to city staff for further information. It is inappropriate to promise council action overly or implicitly, or to promise city staff will do something specific (fix a pothole, plant new flowers in the median, etc.).

**(9) Prohibition of Lobbying. Because it is important for appointed or advisory bodies to make objective recommendations on items to the council free of influence, a member of council/city staff shall not attempt to lobby any board committee, task force or commission member on any item that is or could be under consideration. (7.7 Dundee Council Rule and Procedures)**

**(10) Prohibition of Drugs and Alcohol. The council acts as a body with the intent to conduct city business in a fair and appropriate manner while maintaining the respect and trust of the community. A member of council does not have authority to act on their own to bring discredit on the council in the conduct of its business. No council member will give discussion and/or vote at a council meeting while under the influence of alcohol or legal and/or illegal drugs.**

Comment [SM11]: Language added by B Monahan

**Stipend for Attendance at Meetings**

Section 1.04.010 of the city code provides that council members will receive a stipend for their service(s) at the rate of ten dollars (\$10) per meeting for "each meeting of the council the member attends". The mayor, as a member of the council, is entitled to receive the meeting stipend.

(1). Compensated Meetings

The meetings for which council members are compensated by stipend for attendance are as follows:

Regular or Special Meetings of the Council. Any regular or special meetings of the council, including any work sessions and goal settings that are officially called where a quorum is present and regardless of if the member attends in person or by electronic means.

Subcommittees of the Council. Any subcommittee of the council to which the member is appointed or attends in their official capacity or is ex-officio, voting or non-voting member.

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Boards, Commissions, and Committees of the City. City boards, commissions, and committees for which the council member is appointed by the mayor with approval of the council, or the member is ex-officio, voting or non-voting member.

Boards, Commissions, and Committees of Other Entities. Boards, commissions, and committees of governmental or non-governmental or private organization in which the council member is appointed by the mayor with approval of the council or appointed by the council or is ex-officio, voting or non-voting member.

**(2). Non-Compensated Meetings**

The meetings for which council members do not receive a stipend as compensation for attendance are as follows:

**Social Meetings.** Social meetings in which the main purpose of the meeting is social. Social meetings will include meetings such as annual banquet awards, and other types of celebration meetings.

**Budget Meetings.** Per ORS 294.336 no compensation applies to city budget committee meetings that are held in accordance with the local budget law, which are held annually to review and approve the budget.

**(3). Waiver of Stipend.** A council member may waive the meeting stipend that the council member is entitled to receive. The waiver of a member then sitting on the council must be in writing and delivered to the city recorder by January 10 of a year. The waiver shall be valid until December 31 of the calendar year. The waiver is subject to other administrative regulations that may be applicable. The city recorder will furnish a form of waiver to the member and retain the signed copy. In the event a council position becomes vacant during the year, section 1.04.020 B. of the city code applies.

**(4). Voluntary Attendance.** The attendance by the council member at a non-compensated meeting may be on a voluntary basis by the council member. The member is not entitled to a stipend for this meeting attendance.

**(5). Policy.** In considering which meetings will be compensated, the purpose of the meeting stipend is to encourage council members' participation and to recognize the sacrifices they make in personal time.

**Executive Session Meetings**

Council may meet in executive session in accordance with the Oregon Public Meetings Law (OPML). Matters discussed in executive session will be exempt from public disclosure pursuant to OPML. Council members will not disclose matters discussed in executive session. The city manager will attend all executive sessions, unless he/she is excluded by the council or have requested to be excused. City staff persons, as allowed by the council, may attend. Other persons authorized by OPML may attend. The council by rule may define "news media representatives" within the meaning of the OPML statute, which are allowed to attend executive sessions.

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**Ad-hoc Committees**

(1) Structure of Ad-hoc Committees. The mayor will have the authority to form ad-hoc committees and may refer matters to the appropriate committee.

(2) Duty of Ad-hoc Committees. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes, make recommendations to the council and record minutes of the meeting, which will be forwarded to the council after approval. The mayor will establish the membership criteria for the ad-hoc committees. Residency may be a required criterion but does not have to be a required criterion.

(3) Appointment of Ad-hoc Members. The mayor will appoint members of the ad hoc committees. The mayor will designate the chairperson and the vice chair. Membership on the committees will be appointed as needed to advise the council on specific programs or projects. Members will continue to serve until their mission is accomplished, or they are removed, replaced or reappointment.

(4) Functions of Ad-hoc Committees. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad hoc committee will have only the authority of recommendations to the council. The council has the authority to follow the recommendations, change the recommendations, refer the matter back to the committee or take any other action the council deems appropriate.

(5) Removal of Members of Ad-hoc Committee. The mayor may remove any member of an ad hoc committee at any time. Members of the committee will be removed if the member fails to attend two (2) consecutive meetings of the committee without being excused prior to the meeting. The mayor has the authority to grant an excused absence, and, in the mayor's absence, the committee chair has the authority.

(6) Meetings of the Ad-hoc Committees. The meeting time and place of the committees will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet. However, a majority of the committee, as determined by telephone poll, may request a meeting of the committee. Meetings are public meetings and will be conducted in accordance with the OPML.

(7) Staff Support of Ad-hoc Committee. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee. The city manager will assign the specific duties to the staff supporting and working with the membership of the ad-hoc committees. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

(8) Ex-officio Members of Ad-hoc Committees. The mayor and city manager will be ex-officio, non-voting members of all ad-hoc committees. The ex-officio members may attend any committee meeting.



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If they attend, they may participate in the discussion as is appropriate but will not have a vote in any decision of the ad-hoc committee. However, they are not required to attend committee meetings.

#### Amendments to Council Rules

Amendments to these council rules will be by made by resolution.

#### Statements to the Media and Other Organizations (From LOC Model Rules, 2017)

- A. **Representing City.** If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
- B. **Personal Opinions.** If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.
- C. **Use of Social Media.** On social media platforms, members of council are encouraged to exercise caution when commenting on municipal affairs. While using social media, members of council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
- D. **Posting Comments on Social Media.** Members of council will refrain from posting comments on social media that:
  - 1. express a council position prior to a council determination of a position or on a matter that would otherwise require council authorization prior to expression of a position, or
  - 2. express an opinion in a manner that is contrary to the intent of subsection A. or B. of these rules above.

Comment [SM12]: Language added by B Monahan