

CITY OF GERVAIS

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The Gervais City Council will hold a Work session starting at 6:30 PM on Thursday, January 20, 2022. This meeting will be held in person, with an option to participate by Zoom due to COVID-19 Restrictions. If anyone wants to participate with Zoom, the instructions for accessing the meeting are below.

GERVAIS CITY COUNCIL AGENDA

Meeting Sign-in Instructions:

Topic: January 20, 2022 City of Gervais Worksession

Time: Jan 20, 2022 06:30 PM Pacific Time (US and Canada)

TO JOIN THE MEETING VIA WEBSITE/TABLET/MOBILE:

<https://us06web.zoom.us/j/88613506227?pwd=NnNLT3hGaHd6bDltOUV6S1EwSW9qQT09>

Meeting ID: 886 1350 6227

Passcode: 215777

TO JOIN THE MEETING VIA TELEPHONE ONLY:

1-253-215-8782 US (Tacoma)

Meeting ID: 886 1350 6227

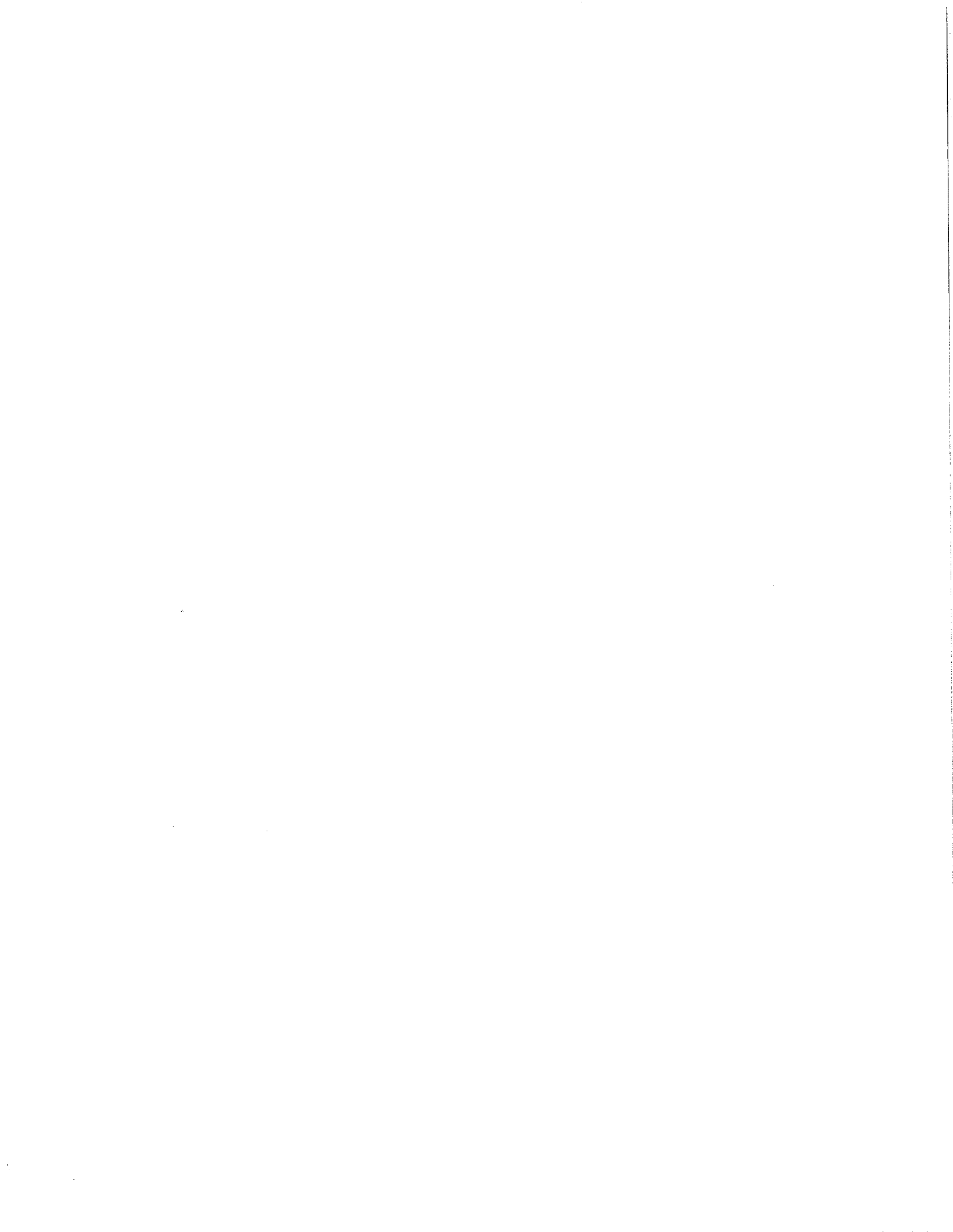
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NOTE: A link will also be on the City of Gervais home page at www.gervaisoregon.org.

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

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 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.
- (5) 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.
- (6) 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).

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;

(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.

(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.

(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. Public Hearing (if necessary)
- VI. Old Business
- VII. New Business
- VIII. City Manager's Report

- IX. Police Report
- X. Public Works Report
- XI. Council Business
- XII. 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.

(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 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:

- (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.

(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;

(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.

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.

(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, 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.

(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.).

Compensation for Attendance at Meetings

Section 1.04.020 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.

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,

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.

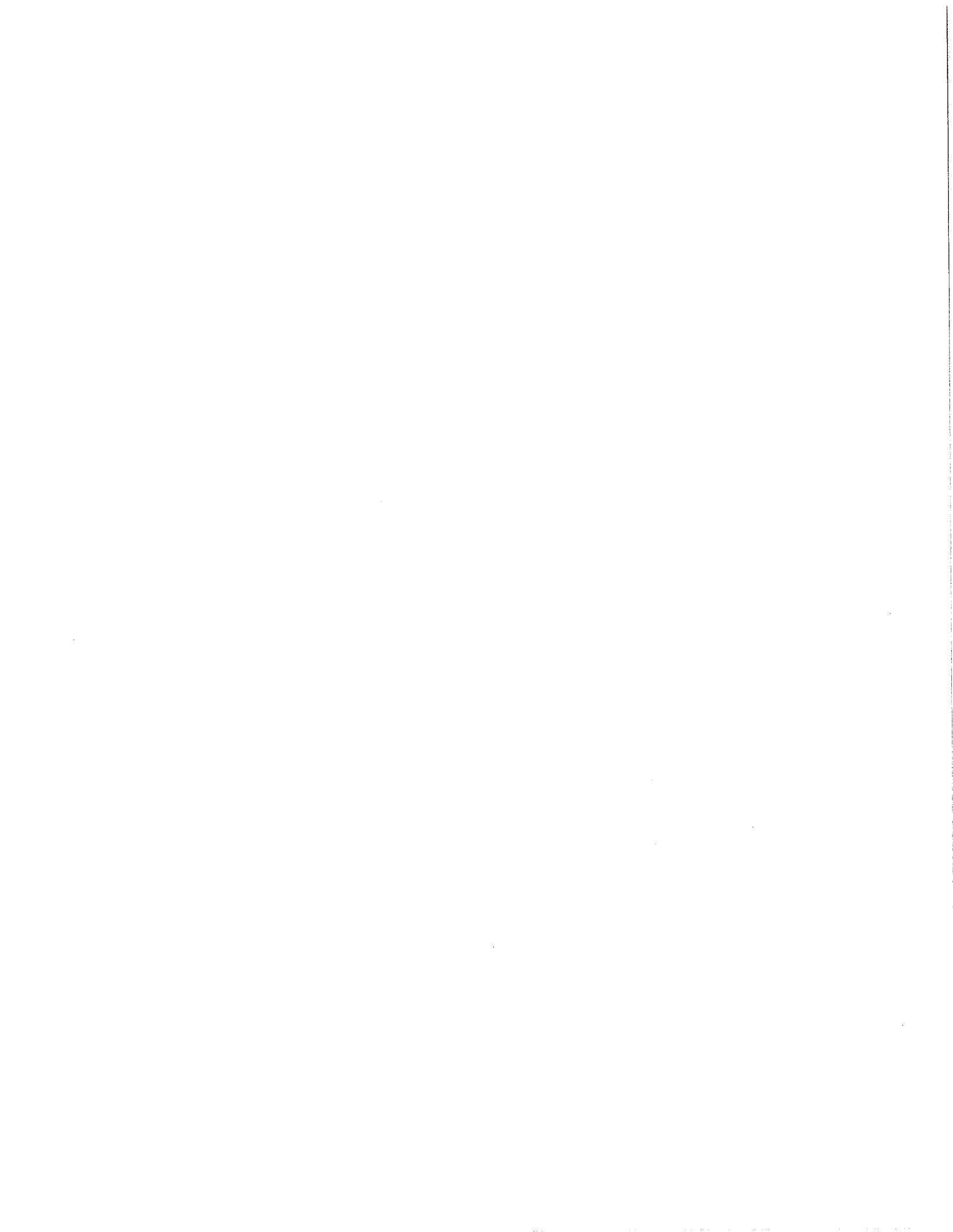
(6) Meetings of the Ad-hoc Committees. The meeting time and place of the committees will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for 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.



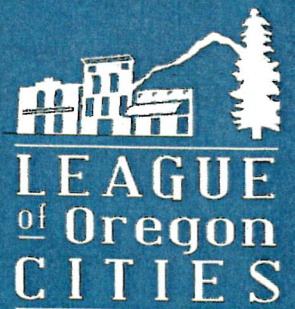


MODEL

LEAGUE OF OREGON CITIES

Model Rules of Procedure for Council Meetings

MARCH 2017





Model Rules of Procedure for Council Meetings

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Introduction

In Oregon, many city charters require a city council to establish rules of procedure for how council meetings will be governed, how appointments will be made and how council members are to interact with city employees. Although those charters direct the council to create rules, the charters don't provide substance or guidance on how to do so. The purpose of this guide is to provide cities with a starting point in creating their rules of procedure, where required by the city charter, or where a council so desires.

Establishing rules of procedure for council meetings has several benefits. First, it allows for meetings to be run in an efficient and consistent manner. Second, it allows for the council and residents to debate matters of public concern in a courteous and respectful manner that lessens the likelihood of discontent and friction. Third, rules provide guidance to council members on how they are to interact and engage with city employees and members of the public. Fourth, rules of procedure ensure continuity and stability during transition years when new members of the council are elected to office.

These model rules are intended to provide a starting point for a city council needing to adopt or update its council rules. Although comprehensive, they are not exhaustive, and council members should work together to identify areas in which rules are needed. Similarly, these model rules are not intended to be the definitive statement on what a council should adopt. City councils have a lot of discretion in determining how to conduct their business—and they should not feel constrained to adopt the rules as presented in this model, but rather to exercise their inherent discretion in crafting a set of rules that match their community's culture, needs and values.

Disclaimer

The League's Model Rules of Procedure for Council Meetings are not a substitute for legal advice. To ensure compliance with federal, state, and any applicable local charters or ordinances, city officials drafting rules of procedure for council meetings are advised to seek the advice of their city attorney.

CHAPTER 1 – General Governance

I. Rules of Procedure.

- A. Unless otherwise provided by charter, ordinance or these rules, the procedure for council meetings, and any subcommittee of a city council, shall be guided by Robert's Rules of Order, 11th Edition.
- B. Members of the council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

II. Quorum. A quorum is required to conduct official city business.

- A. The members of the council are the city councilors and mayor. Fifty-percent plus one of the members of the council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.¹
- D. In the event a quorum is not present, the members of council present shall adjourn the meeting.

III. Presiding Officer.

- A. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.
- B. In the mayor's absence the president of the council [*Mayor Pro-Tem*] shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity
- C. If both the mayor and the president of the council [*Mayor Pro-Tem*] are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:
 - 1. The city recorder [*council secretary*] shall call the council to order and call the roll of the members.
 - 2. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.

¹ When drafting a quorum requirement, ensure it complies with the city charter, which should indicate what constitutes a quorum and whether the mayor counts towards the quorum requirement.

3. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
4. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

IV. Other Elected and Appointed Officers.²

- A. City Recorder. The city recorder shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.
- B. City Manager [City Administrator]. The city manager [*city administrator*] is required to attend all meetings of the council and is permitted to participate in any discussion; however, the city manager [*city administrator*] has no authority to cast a vote in any decision rendered by the council.
- C. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion, either written or oral, on legal questions.

- V. **Agendas**. The city manager [*city administrator*] shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.
- A. Agendas and informational material for meetings shall be distributed to the council at least three (3) days preceding the meeting.
 - B. No council approval shall be required for an agenda of any meeting.
 - C. The city manager [*city administrator*] may place routine items and items referred by staff on the agenda without council approval or action.
 - D. The city manager [*city administrator*] may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal under announcements/proclamations.
 - E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager [*city administrator*] at least one week prior to the meeting.³

² Only those offices provided for by charter or ordinance should appear in this section.

³ As an alternative, the council may wish to vote on whether a councilor's item will be placed on the agenda for a decision or further action.

VI. Order of Business. The order of business for all regular meetings shall be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:

1. Call to order.
2. Roll call.
3. Announcements/proclamations.
4. Reports of boards, commissions, committees, elected officials and city employees.
5. Public comment on items on the agenda (other than public hearings).
6. Consent agenda.
7. Items removed from the consent agenda.
8. Ordinances and resolutions.
9. Public hearings.
10. Appointments.
11. Public comment on items not on the agenda.
12. Adjournment.

A. Call to Order. The presiding chair shall call all meetings of the council to order. The call to order shall note the date, time and location of the meeting so that it may accurately be reflected in the minutes.

B. Roll Call. The city recorder [*council secretary*] shall conduct a roll call to determine which members of the council are present and which are absent.

1. The attendance shall be properly reflected in the minutes.
2. If roll call determines that a quorum is not present, the meeting shall be adjourned.

C. Announcements/Proclamations. Announcements are intended to be procedural in nature, such as an item being removed from the agenda. Proclamations are awards or recognition of individuals by the council.

D. Reports of Boards, Commissions, Committees, Elected Officials and City Employees. When necessary, reports can be given to the council by boards, commissions committees, elected officials and/or city employees.

1. When appropriate, reports to the council should include written materials which are provided to the council at least three days in advance of the meeting.
2. Oral reports to the council should generally not exceed 10 minutes in length.
3. The council may ask questions of the presenter upon conclusion of the report being given.

E. Public Comment

1. Two periods for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time. Subject to the limitations contained in subsection H-5(e) of this section, the first period for public comment shall be limited to items placed on the agenda other than public hearings, and the second period of public comment shall be used to comment on any issue of city business, other than agenda items. The presiding officer may, unless a member of council objects, allow a person who desires to make comment on an item not on the agenda to speak during the first comment period.
2. Persons wishing to speak during public comment must sign the "speaker's roster" with the person's name and address and the topic upon which the person wishes to speak, not later than the call to order.
3. Members of the public may speak about any topic during the last period for public comment, except as provided in H-5(d) of this rule.
4. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
5. Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address [or the ward in which they reside]. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the 30- minute period.

6. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
 7. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
 8. Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the council chambers as a part of their comment, but must provide the materials in a readable format to city staff prior to the meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.
- F. Consent Agenda. In order to expedite the council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.
1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
 2. Any item on the consent agenda may be removed for separate consideration by any member of the council.
 3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of council must declare a conflict of interest.

G. Ordinances and Resolutions – See Chapter 3

H. Public Hearings Generally

1. A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
2. Persons wishing to speak shall sign the "hearing roster" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.

3. The city recorder [*council secretary*] shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
4. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address [or identify the ward in which they reside.] All remarks shall be addressed to the council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
 - a. Staff presentation (15 minutes total).
 - b. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
 - c. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
 - d. Other interested persons (3 minutes per person).
 - e. Questions of staff (No time limit).
 - f. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).
6. Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
7. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city councilors should be to provide clarification or additional information on testimony provided.
8. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the

approval of the council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the city recorder [council secretary] to note the numbers in the minutes.

9. At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.
 10. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the city recorder [council secretary] at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.
 11. Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to ORS 192.368(1).
- I. Conduct of Hearings on Land Use Matters – See [Chapter 4](#)
 - J. Written Communications to Council
 1. Unsolicited communications to the mayor and/or council concerning matters on the agenda shall be forwarded to the council in the agenda packet, but shall not be individually itemized on the agenda.

2. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
3. The city manager [*city administrator*] may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the council, and making a recommendation for council action.

CHAPTER 2 – Meeting Time, Location and Frequency

- I. **Regular meetings.** The council shall meet every _____ evening, with the exception of designated holidays and/or council recesses.
 - A. Meetings shall begin at _____ p.m.
 - B. Meetings shall adjourn at _____ p.m., allowing one-hour increment extensions upon a majority vote of the council.

- II. **Special meetings.** Special meetings may be called by the presiding officer, by request of three members of the council, or by the city manager [*city administrator*].
 - A. Notice of the special meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
 - B. Notice of the special meeting shall be given to all members of the council and the city manager [*city administrator*] via telephone and email.
 - C. Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.

- III. **Emergency meetings.** Emergency meetings may be called by the presiding officer, by the request of three members of council, or by the city manager [*city administrator*].
 - A. Notice of the emergency meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
 - B. Notice of the emergency meeting shall be given to all members of council and the city manager [*city administrator*] via telephone and email.
 - C. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
 - D. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

- IV. Executive Sessions.** Executive sessions may be called by the presiding officer, by the request of three members of council, by the city manager [*city administrator*] or by the city attorney.
- A. Only members of the council, the city manager [*city administrator*] and persons specifically invited by the city manager [*city administrator*] or the council shall be allowed to attend executive sessions.
 - B. Representatives of recognized news media⁴ may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
- V. Work Sessions.** Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings.
- A. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
 - B. Work sessions are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a work session.
 - C. Work sessions are to be scheduled by the city manager [*city administrator*].
 - D. The city manager [*city administrator*] is to invite any relevant staff to work sessions so that the sessions are as productive as possible.
- VI. Holidays.** In the event a regular meeting falls on a holiday recognized by the city, the regular meeting for that week shall be cancelled.
- VII. Council Recess.** The council shall be in recess, at a minimum, during the following dates each calendar year:⁵
- A. August 1 – August 31;
 - B. The Monday before Thanksgiving and the Friday after Thanksgiving; and
 - C. December 15 to January 1.
- VIII. Location.** Council meetings shall be held at city hall.
- A. In the event city hall is not available for a meeting, the council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.

⁴ State law requires governing bodies to allow representatives of recognized news media to attend executive sessions except for labor negotiations and litigation where the news media is a party to the litigation. State law does not define the term news media and a decision whether such an individual should be permitted to attend an executive session must be made on a case by case basis.

⁵ Ensure that any recess is in compliance with the city charter. It is not uncommon for a charter to require that the council meet at least once a month.

- B. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
 - C. Interjurisdictional meetings may be held outside of the city's jurisdictional limits, but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
 - D. No council meeting shall be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.
- IX. Notice.** The city recorder [*council secretary*] shall provide notice of all meetings in accordance with Oregon's public meeting law.
- X. Attendance.** Members of the council shall advise the city manager [*city administrator*] if they will be unable to attend any meetings. Under the charter, a council position becomes vacant if the member of council is absent from the city for more than 30 days without council permission or absent from all meetings of the council within a 60-day period.

CHAPTER 3 – Ordinances and Resolutions⁶

- I. **Ordinances.** All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein.
- A. Numbering. The city recorder shall number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the ordinance was introduced.
- B. Sponsorship. Each ordinance shall note the name of the member(s) of the council introducing or sponsoring the ordinance.
- C. Preparation and Introduction.
1. All ordinances shall, before presentation to the council, have been approved by the city attorney, or the city attorney's designee.
 2. Ordinances shall be introduced by a member of the council. Except that, upon the request of the council, an ordinance may be introduced by the city manager [*city administrator*] or the city attorney, with a member of the council moving further action on such ordinance upon completion of the introduction.
 3. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
- D. Calendar of Ordinance.
1. An ordinance is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
 - a. A public hearing on the ordinance be held;
 - b. Refer the ordinance to committee for review and recommendation;
 - c. Refer the ordinance to the city manager [*city administrator*] for further revision;
 - d. Pass the ordinance to a second reading; or
 - e. Reject the ordinance in whole or in part.

⁶ Many city charters prescribe the form and manner in which ordinances are adopted. Although council rules should address the process by which it will adopt resolutions and ordinances, it is important to ensure that the rules comply with the charter. Where the rules and the charter conflict, the charter provision prevails.

2. All ordinances when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all ordinances shall be placed by title and number on a calendar of second reading, and may be passed as a group, provided that the vote for the passage of the calendar is unanimous.
4. Should any member of the council object to any ordinance at time of second reading, that ordinance shall be removed from the calendar of second reading, and considered separately. Ordinances to be considered separately shall be ready by title only.
5. When the calendar of second reading or an ordinance which is to be considered separately is placed before the council for final passage, the city recorder [*council secretary*] shall call the roll and enter the ayes, nays and abstentions in the record.
6. All proposed amendments to an ordinance shall be in writing, and may be made by interlineation upon the ordinance.
7. No second reading of any ordinance shall occur at the meeting where it is introduced, except by suspension of this section of the rules, and no ordinance shall be passed at a single meeting, except by a unanimous vote for passage by all members of council present.
8. An affirmative vote of at least three members of the council shall be necessary to pass an ordinance.
9. When an ordinance is rejected by the council, and is not reconsidered as provided by these rules, neither the ordinance, nor any other ordinance which contains substantially the same provisions, shall be considered by the council for a period of not less than six months, unless at least three members of the council petition for early consideration.

II. Resolutions. All resolutions considered by and voted upon by the council shall adhere to the rules outlined herein.

- A. Numbering. The city recorder shall number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the resolution was introduced.
- B. Sponsorship. Each resolution shall note the name of the member(s) of the council introducing or sponsoring the resolution.

C. Preparation and Introduction.

1. All resolutions shall, before presentation to the council, have been approved by the city attorney, or the city attorney's designee.
2. Resolutions shall be introduced by a member of the council. Except that, upon the request of the council, a resolution may be introduced by the city manager [*city administrator*] or the city attorney, with a member of the council moving further action on such resolution upon completion of the introduction.

D. Calendar of Resolution.

1. A resolution is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
 - a. A public hearing on the resolution be held;
 - b. Pass the resolution to a second reading; or
 - c. Reject the resolution in whole or in part.
2. All resolutions when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all resolutions shall be placed by title and number on a calendar of second reading, and may be passed as a group, provided that the vote for the passage of the calendar is unanimous.
4. Should any member of the council object to any resolution at time of second reading, that resolution shall be removed from the calendar of second reading, and considered separately. Resolutions to be considered separately shall be ready by title only.
5. When the calendar of second reading or a resolution which is to be considered separately is placed before the council for final passage, the city recorder [*council secretary*] shall call the roll and enter the ayes, nays and abstentions in the record.
6. All proposed amendments to a resolution shall be in writing, and may be made by interlineation upon the resolution.
7. A second reading of a resolution is permitted to occur at the meeting where it is introduced, and a resolution may be passed at a single meeting by a unanimous vote for passage by all members of the council present.

8. An affirmative vote of a majority of the council present shall be necessary to pass a resolution.
9. When a resolution is rejected by the council, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered by the council for a period of not less than three months, unless at least three members of the council petition for early consideration.

CHAPTER 4 – Land Use Hearings

I. General Conduct of Hearings.

- A. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the council, the city manager [*city administrator*], planning director or the city attorney may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

II. Quasi-Judicial Land Use Matters.

- A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- B. Conflicts of Interest.
 1. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
 - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
 2. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding.

If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.

C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

1. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
2. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:

1. Land Use Hearing Disclosure Statement. The city recorder [*council secretary*] shall read the land use hearing disclosure statement, which shall include:
 - a. A list of the applicable criteria;
 - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.
3. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding,

unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

4. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
5. Presentation of the Case.
 - a. Proponent's case. Twenty minutes total.
 - b. Persons in favor. Five minutes per person.
 - c. Persons opposed. Five minutes per person.
 - d. Other interested persons. Five minutes per person.
 - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
6. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
7. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
8. Findings and Order. The council may approve or reject the proposal.
 - a. The council shall adopt findings to support its decision.
 - b. The council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- E. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

III. Legislative Land Use Matters.

- A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
 1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.

2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case.
 - a. Proponent's case. Twenty minutes total.
 - b. Persons in favor. Five minutes per person.
 - c. Persons opposed. Five minutes per person.
 - d. Other interested persons. Five minutes per person.
4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

CHAPTER 5 – Motions, Debate, Public Comment and Voting⁷

- I. **Motions.** All motions shall be distinctly worded.
- A. The following rules shall apply to motions:
1. If a motion does not receive a second, it dies.
 2. The council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
 3. Any motion shall be reduced to writing if requested by a member of the council.
 4. A motion to amend can be made to a motion that is on the floor and has been seconded.
 5. No motion shall be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone;
 - d. To refer; or
 - e. To amend.
 6. A motion may be withdrawn by the mover at any time without the consent of the council.
 7. Amendments are voted on first, then the main motion if voted on as amended.
 8. A member of the council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
 9. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
 - a. A call for the question fails without a majority vote.
 - b. Debate on the main subject resumes if the motion fails.
 10. A motion that receives a tie vote fails.

⁷ Many councils adopt Robert's Rules of Order to govern motions and related matters. This model adopts Roberts Rules as a *guide* for procedural matters and sets out a simplified procedure for motions and voting. Under this model, where Robert's Rules conflict with the model rules, the model rules should prevail.

11. The presiding officer shall repeat the motion prior to a vote.

12. A motion to adjourn cannot be amended.

B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

1. No motion shall be made more than once.

2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the council.

II. Debate. The following rules shall govern the debate of any item being discussed by the council:

A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.

B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

C. The member of the council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.

III. 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.

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 receive 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 insure the minutes of the meeting properly reflect those persons who provided public comment.

IV. Voting. The following rules shall apply to voting on matters before the council, unless amended in the manner outlined in Chapter 4 of these Rules.⁸

⁸ City charters sometimes contain voting requirements. Any voting requirement must comply with the city charter.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.
- B. Consent Agenda. The unanimous vote of all members of the council present is required to approve the matters on a consent agenda.
- C. Resolutions. A majority of quorum shall be required to pass a resolution.
- D. An Ordinance Involving a Fee or Fine. An ordinance involving a fee or fine shall require a majority of the council to pass.
- E. An Ordinance Not Involving a Fee. An ordinance which does not involve a fee or a fine shall require a majority of a quorum to pass.
- F. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- G. Budget. The budget shall require a majority of a quorum to pass.
- H. Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
- I. Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter shall not be suspended or rescinded.
- J. All votes shall be recorded in the minutes.
- K. Ties. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.
- L. Effective date.
 - 1. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
 - 2. The following shall take effect immediately upon its passage:
 - a. Ordinances making appropriations and the annual tax levy;
 - b. Ordinances relative to local improvements and assessments; and
 - c. Emergency ordinances.

3. All other ordinances shall take effect _____ days⁹ after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
4. The filing of a referendum petition shall suspend the effective date of an ordinance.

⁹ Ordinarily ordinances go into effect 30 days after passage. Check the city charter for effective date of ordinances.

CHAPTER 6 – Minutes

I. Generally.

- A. All minutes shall be in written form, with an electronic copy of the meeting maintained by the city recorder [*council secretary*] in accordance with the appropriate record retention schedule.
- B. The minutes shall contain the following information:
 - 1. The date, time and place of the meeting;
 - 2. The members present;
 - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - 4. The results of all votes and the vote of each member by name;
 - 5. The substance of any discussion on any matter; and
 - 6. A reference to any document discussed at the meeting

II. Approval. The council shall approve all minutes of any meeting.

- A. All minutes shall be approved within ninety days of the meeting having occurred.
- B. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed.
- C. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

CHAPTER 7 – Appointments

- I. **Appointments of City Staff.** The council appoints and can remove those positions identified in the city's charter. All appointments require a majority vote of the entire council.
 - A. Reviews. Any person appointed by the council shall be subject to an annual review by the council.
 - B. Removals. All appointed persons may be removed by a majority vote of the entire council.
 - C. Interference. If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge's exercise of judicial authority or discretion.
- II. **Appointments of Members to Boards, Commissions and/or Committees.**
 - A. Unless otherwise mandated by state law, the mayor shall appoint the members of any board, commission or committee authorized by the council.
 - B. Unless otherwise prohibited by the council, the mayor shall have the authority to create and appoint subcommittees of committees authorized by the council.
 - C. Removals. All appointed persons may be removed by the mayor.

CHAPTER 8 – Ethics, Decorum, Outside Statements

- I. **Ethics.** All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
 - A. Disclosing confidential information.
 - B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
 - C. Expressing an opinion contrary to the official position of the council without so saying.
 - D. Conducting themselves in a manner so as to bring discredit upon the government of the city.
- II. **Decorum.**
 - A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.
 - B. Members of the council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
 - C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members of council.
- III. **Statements to the Media and Other Organizations**
 - 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.

CHAPTER 9 – Interactions with Staff & City Attorney

- I. Staff.** All members of the council shall respect the separation between the council's role and the city's manager's *[city administrator's]* responsibility by:
- A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager *[city administrator]*.
 - B. Refraining from actions that would undermine the authority of the city manager *[city administrator]* or a department head.
 - C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager *[city administrator]*.
 - 1. Questions from individual members of the council requiring significant time or resources (two hours or more) shall normally require approval of the council.
 - 2. Members of the council shall normally share any information obtained from staff with the entire council. This section is not intended to apply to questions by members of the council acting in their individual capacities rather than as members of the council, nor to questions regarding conflict of interest or similar issues particular to a member of the council.
- II. City Attorney.** Council members may make requests to the city attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney's time. A councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the council.

CHAPTER 10 – Censure *[and Removal]*¹⁰

- I. The council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a member of council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member with a public reprimand *[or removal as provided for in the city charter]*.
- II. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

¹⁰ Some charters allow the council to remove the mayor or councilor from office for certain enumerated reasons following notice and a public hearing. Absent such a charter provision, it's likely that an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

CHAPTER 11 – Amendment and Repeal

- I. **Amendment.** These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
 - A. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
 - B. All amendments to these rules requires a majority vote.
 - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. **Repeal.** These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
 - A. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
 - B. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
 - C. Any repeal and replacement of these rules requires a majority vote.
 - D. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.