

**PRELIMINARY AGENDA
CITY OF BOARDMAN
CITY COUNCIL WORKSHOP
BOARDMAN CITY HALL COUNCIL CHAMBERS
6:00 P.M.
NOVEMBER 1, 2023**

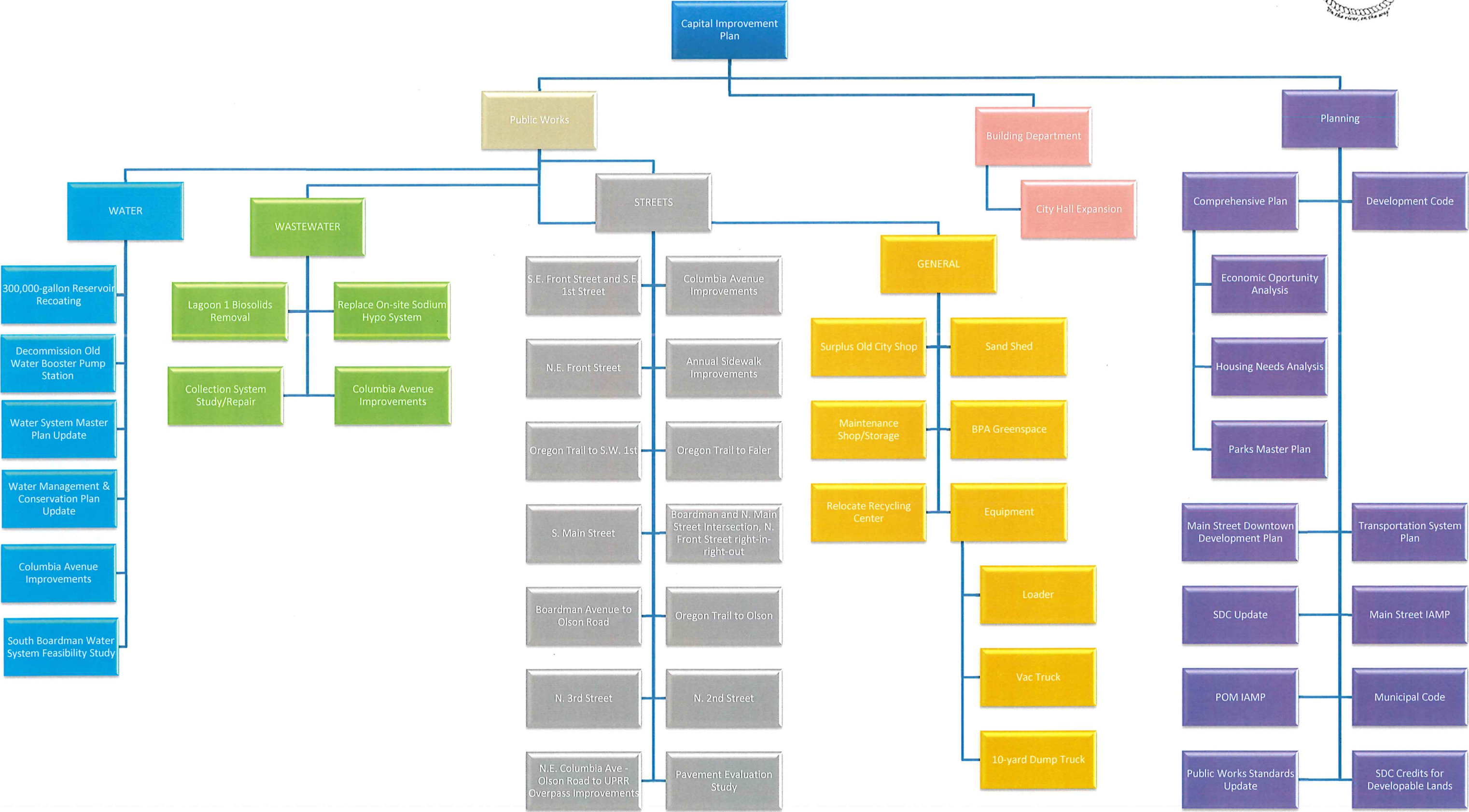
- **CALL TO ORDER**
- **FLAG SALUTE**
- **ROLL CALL/EXCUSED ABSENCES**
- **WORKSHOP PLANNING SESSION**
 - City of Boardman Strategic Planning
 - City of Boardman Council Rules
- **ADJOURNMENT**

Zoom Meeting Link: <https://zoom.us/j/2860039400>

This meeting is being conducted with public access in-person and virtually in accordance with Oregon Public Meeting Law. If remote access to this meeting experiences technical difficulties or is disconnected and there continues to be a quorum of the council present, the meeting will continue.

The meeting location is accessible to persons with disabilities. Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To make your request, please contact a city clerk at 541-481-9252 (voice), or by e-mail at: city.clerk@cityofboardman.com.

City of Boardman, Oregon



**CITY OF BOARDMAN
ORDINANCE NO. 3 - 2004**

AN ORDINANCE ESTABLISHING COUNCIL RULES

WHEREAS, the City recognizes the value of well conducted meetings and guidelines of conduct; and

WHEREAS, the City now wishes to establish Council Rules to ensure such conduct;

THE PEOPLE OF THE CITY OF BOARDMAN DO ORDAIN AS FOLLOWS:

Section 1. AUTHORITY

- 1.1 The Charter of the City of Boardman in Chapter IV Section 14 Rules specifies "The Council shall adopt rules for the government of its members and proceedings".
- 1.2 The rules adopted in this ordinance shall be in effect upon their adoption by the council and until such time as they are amended, added to, deleted or replaced in the manner by these rules.
- 1.3 These rules apply equally to the Mayor and Councilors.
- 1.4 These rules are to be observed in addition to and may not be contradictory to the current City Charter.

Section 2. THE MAYOR AND COUNCIL

- 2.1 The Mayor and Council (hereafter, Council) are the policy making body of the City. The Council speaks on policies and issues with one voice or not at all. Council decisions may not be unanimous, but once decided, become the policy of the City.

Section 3. COUNCIL MEETINGS

- 3.1 Regular meetings of the Council will be held the first Tuesday of each month at 7:00 p.m. and at such other additional dates and times as the Council shall determine. Regular meetings shall normally continue no later than 9:00 p.m. unless extended or adjourned by the Council. Unless otherwise provided, Regular meetings shall be held in the Council Chambers at the Boardman City Hall.
- 3.2 Time and date of the regular Council meetings may be changed for special circumstances, to facilitate work sessions or in order to have a quorum of Councilors at the meeting. Regular meeting notice requirements must be followed.

- 3.3 Special meetings of the Council may be called at any time on the request of three members of the Council, by the Mayor, or by the President of the Council in the Mayor's absence, by giving notice of the meeting to the Council members and the public at least 24 hours in advance.
- 3.4 An emergency meeting of the Council is a Special Meeting which can be called when less than 24 hours notice can be given. The minutes need to state the nature of the emergency. Emergency meetings may be held by consent of a majority of councilors. An attempt must be made to notify the public or the press of the need for this emergency meeting. Only the emergency matter(s) giving rise to the need for an emergency meeting may be considered.
- 3.5 Workshop or Training meetings of the Council may be held at the convenience of the Council at a time when as many as possible can attend. These meetings may be held for Council goal setting, new Councilor training, or longer workshops for planning programs or projects. Goal setting retreats may be held out of town so long as no decision-making or discussion toward decisions occurs. Any goals arrived at by any process should be confirmed in public at a regular Council meeting. The Council may decide if the public is welcome at any of these meetings and they may be held without opportunity for public input.
- 3.6 Executive sessions may be held by the Council pursuant to ORS 192.640, 650, 660 and 670. Staff members may be permitted to attend. Normally the City Manager and City Recorder are required to attend.
- 3.7 Public meetings of the Council will be held in accordance with ORS 192.610—7.10. All regular and special meetings will be open to the public and provide an opportunity for public input.
- 3.8 Councilors should inform the Mayor, City Manager or City Recorder if unable to attend any Council meeting. The Mayor will inform the Council President if unable to attend any Council meeting.
- 3.9 The Mayor may excuse the attendance of a member of the Council at any meeting for illness, vacation or other reasonable cause. Only a majority of the Council shall determine an absence is unexcused. The absence of a member of the Council shall be recorded in the minutes as either excused or unexcused.

Section 4. AGENDA AND ORDER OF BUSINESS

- 4.1 An agenda for each regular Council meeting shall be prepared by the City Manager. The Mayor or the City Council may direct that specific items be included on the agenda. The City Manager should be given enough time to do necessary research or prepare necessary reports to address the agenda items. Agendas and informational material should be distributed to the Council at least 4 days prior to the meeting.

- 4.2 The normal order of business for a regular Council meeting shall be as follows:

Call to Order

Preliminary matters:

Flag Salute

Approval of Minutes

Introductions

Formal Proceedings:

Public Hearings

Public Comment:

Prearranged Presentations

Petitions

Other Public Comment

Action Items:

Resolutions

Ordinances

Other Action Items

Reports, Correspondence and Discussion:

Committee Reports

City Manager

Councilors

Mayor

Executive Session

Adjournment

- 4.3 The Chair may consider agenda items out of order as he deems necessary to facilitate the efficient management of the agenda.

Section 5. PROCEDURE FOR COUNCIL MEETINGS

- 5.1 Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order. The Chair, may utilize Robert's Rules of Order as necessary.

- 5.2 Council Meetings shall be Chaired by the Mayor, if present, if not, the President of the Council shall serve as Chair. If neither the Mayor nor the President of the Council are present, the remaining members shall elect a Chair pro tem for that meeting. At any meeting, the Chair may appoint another member of the Council to serve as Chair for part or all of the meeting.
- 5.3 Every Councilor desiring to speak should first address the Chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Chair.
- 5.4 No motion shall be debated, except by the maker, until it has been seconded and announced by the Presiding Officer.
- 5.5 Members of the public desiring to address the Mayor and Council shall first be recognized by the Chair and then state their name and address for the record. Each person shall have up to three minutes to present their comments. Groups with like comments should choose a spokesperson who will present their joint remarks.
- 5.6 Councilors should refer people with questions or complaints to the City Manager, explaining that if they are not satisfied with the results of that meeting, they should ask to be put on a council meeting agenda or present their issue during the public input portion at a future council meeting.
- 5.7 City Councilors normally should not directly respond to a public comment during the public open comment period. Councilor comments should be held until the Councilor comment period later in the meeting or referred to the City Manager for a response at a subsequent time.
- 5.8 Remarks by members of the public shall be limited to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor. Any remarks and questions regarding personnel or administration of the City shall be referred to the City Manager by the Chair. The Chair may redirect other questions to a City Councilor or the City Manager, as appropriate.
- 5.9 Every Councilor may address questions directly to the City Manager, who may either answer the inquiry or designate a staff member to do so. Councilors are encouraged to present their questions to the City Manager prior to the meeting when possible.
- 5.10 Prior to a vote, the Chair shall restate the motion or have the maker of the motion restate it to assure clarity of the issue.

- 5.11 When a quorum is present, a majority of the Council present and voting shall decide a motion. A Councilor who is present but abstains from voting is still counted in the quorum. A Councilor must be present to vote.
- 5.12 Councilors should abstain from voting only when they have a conflict of interest. Councilors must state the basis for abstaining, which basis shall be recorded in the minutes.
- 5.13 A motion fails in the event of a tie vote.
- 5.14 A Councilor who votes on the prevailing side of a motion may move for reconsideration of any vote. This motion must occur during the meeting or at the very next scheduled Council meeting.

Section 6. DECORUM AND ORDER

- 6.1 The Chair shall preserve a decorum and decide all points of Order, subject to appeal to the Council.
- 6.2 The Councilors shall help the Chair preserve decorum during Council meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the directions of the Chair or these Council Rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attack, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- 6.3 Members of the administrative staff, employees of the City and other Persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.
- 6.4 Any person who makes personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the Council or attending a Council meeting may be removed from the room, after fair warning, if the Chair so directs. In case the Chair should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, the person or persons shall be removed as if the Chair so directed. Stamping of the feet, whistles, yells and clapping are similarly not permitted. Such persons may be barred from further audience before the Council and, in aggravated cases, an appropriate complaint shall be issued by the Chair to prosecute this person or persons.

- 6.5 If a meeting is disrupted by members of the audience, the Chair may order that the Council Chamber be cleared and a recess called until order is restored.

Section 7. CENSURE

- 7.1 The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.
- 7.2 To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Council as a whole in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred.
- 7.3 No individual Councilor shall have the right to make public any information obtained through such investigation.

Section 8. CODE OF ETHICS

- 8.1 Councilors are encouraged to conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, social station or economic position.
- 8.2 If the Mayor or Councilor represents the City before another public body, governmental agency, community organization or with the media, the Mayor or Councilor should always present the majority position of the Council. Personal opinions and comments may be expressed only if it includes clarification that these statements do not represent the position of the City Council. Communication of personal opinions and comments should not be accompanied with a statement of the author's status as a member of the Council.

Section 9. COUNCIL RELATIONS WITH CITY STAFF

- 9.1 There will be mutual respect from both Councilors and staff of their respective roles and responsibilities when and if expressing criticism in a public meeting.

- 9.2 The Council sets city policies and goals. The staff implements and administers the policies and goals.
- 9.3 During a City Council meeting, all requests for information go directly to the Chair or City Manager. At other times, if the request for information would entail an effort that would require time to be spent in researching and/or preparing a response, the request goes directly to the City Manager. The City Manager will direct them to other staff, the City Attorney or deal with them him/herself as appropriate. Questions or complaints regarding staff go directly to the Mayor or City Manager.
- 9.4 The City Councilors may seek information from staff members regarding the operation of their department, but will not attempt to change or interfere with the operation or practice of any city department or personnel except by directing their concerns to the City Manager.

Section 10. COMMITTEES

- 10.1 Board, commission, committee and task force members are appointed by the Mayor, with the consent of the Council.
- 10.2 A Task Force may be appointed for the length of time necessary to accomplish their mission. The appropriate number of appointees may be determined at the time of appointment.
- 10.3 The Mayor, with the consent of the Council, may remove a member from any city committee or commission prior to the expiration of the term of office. Reasons for removal may include, but are not limited to: missing three consecutive regular meetings of the committee or commission, disruptive or inappropriate behavior prior to, during, or after committee or commission meetings which prohibit the advisory body from completing its business in a timely manner, or not acting in the best interest of the citizens or city.
- 10.4 Members of the Council will not attempt to lobby or influence board, committee, task force or commission members on any items under their consideration. It is important for the advisory bodies to make objective recommendations to the Council on items before them. Councilors that attempt to influence board, committee, task force or commission members on an item may prejudice or hinder their role in reviewing the recommendation as a member of the Council.

Section 11. CONFIDENTIALITY

- 11.1 Councilors must keep in complete confidence all written materials and verbal information provided to them on matters that are confidential under law, to insure that the City's position is not compromised. No mention of confidential information read or heard should be made to anyone other than other Councilors, the City Manager or City Attorney.
- 11.2 If the Council, in executive session, provides opinions or information to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, a proposed, pending or likely claim or litigation, and/or employee negotiations, all contact with the other parties shall be made by the designated staff representative handling the negotiations or litigation. A Councilor shall not have any contact or discussion with the other party or its representative involved with the issue nor communicate any discussion conducted in executive session.
- 11.3 All public statements, information, or press releases on confidential matters will be handled by the Council Spokesperson or designated staff.

Section 12. SUSPENSION OR AMENDMENT OF COUNCIL RULES

- 12.1 Any provision of these rules not governed by State law or the City Charter may be temporarily suspended by a majority vote of the Council.
- 12.2 Amendments, deletions or additions to these Council Rules shall be by Ordinance approved by the City Council.

Passed by the Council and approved by the Mayor this 20th day of April, 2004.

Mayor

Attested:

City Recorder

RESOLUTION NO. 2022-02
A RESOLUTION ESTABLISHING COUNCIL RULES AND RESCINDING
RESOLUTION NO. 2019-04 AND RESOLUTION NO. 2019-22, A RESOLUTION
ESTABLISHING COUNCIL RULES

WHEREAS, the City recognizes the value of well conducted meetings and guidelines of conduct; and

WHEREAS, Section 10 of the City of Creswell Charter states that the Council, by resolution, must adopt rules consistent with state law, to govern its meetings; and

WHEREAS, the City now wishes to establish Council Rules to ensure such conduct;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Creswell that:

Section 1. AUTHORITY

- 1.1 The Charter of the City of Creswell in Chapter III, Section 10, Rules, specifies: “The Council, by resolution, must adopt rules consistent with state law, to govern its meetings”.
- 1.2 The rules adopted in this resolution shall be in effect upon their adoption by the council and until such time as they are amended, added to, deleted or replaced in the manner prescribed by these rules.
- 1.3 These rules apply equally to the Mayor and Councilors.
- 1.4 These rules are to be observed in addition to and may not be contradictory to the current City Charter.

Section 2. THE MAYOR AND COUNCIL

- 2.1 The Mayor and Council (hereafter, Council) are the policy making body of the City.
- 2.2 Councilors have no authority when acting as individuals. Authority to make decisions and/or create policy for the City resides solely with the majority vote of the Council. Council decisions which are not unanimous are still the official policy of the City.

Section 3. COUNCIL MEETINGS

- 3.1 Beginning July 1, 2019, Regular meetings of the Council will be held the second

Monday of each month at 7:00 p.m. and at such other additional dates and times as the Council shall determine. Unless otherwise provided, regular meetings shall be held in the McCluskey Chambers at City Hall.

- 3.2 Time and date of the regular Council meetings may be changed for special circumstances, to facilitate work sessions or in order to have a quorum of Councilors at the meeting. Regular meeting notice requirements must be followed.
- 3.3 Council work sessions are typically held on the Monday two weeks after the regular Council meeting each month at 6:00 p.m. in the McCluskey Chambers at City Hall.
- 3.4 Special meetings as defined by ORS 192.640(3) of the Council may be called at any time on the request of three members of the Council, by the Mayor, or by the President of the Council in the Mayor's absence, by giving notice of the meeting to the Council members and the public at least 24 hours in advance.
- 3.5 An emergency meeting of the Council is a Special Meeting which can be called when less than 24 hours notice can be given. The minutes need to state the nature of the emergency. Emergency meetings may be held by consent of a majority of councilors. An attempt must be made to notify the public or the press of the need for this emergency meeting. Only the emergency matter(s) giving rise to the need for an emergency meeting may be considered.
- 3.6 Workshops and trainings of the Council may be held at the convenience of the Council at a time when as many as possible can attend. These workshops and trainings may be held out of town so long as no decision-making or deliberation occurs.
- 3.7 Executive sessions may be held by the Council pursuant to ORS 192.640, 192.650, 192.660 and 192.670. Staff members may be permitted to attend. The City Manager shall attend executive sessions unless excused by the City Council. The City Recorder shall attend executive sessions as requested by the City Council.
- 3.8 Public meetings of the Council shall be held in accordance with ORS 192.610 through 192.710. All regular and special meetings will be open to the public and provide an opportunity for public input.
- 3.9 Councilors should inform the Mayor, City Manager, or City Recorder if unable to attend any Council meeting. The Mayor will inform the Council President if

unable to attend any Council meeting.

- 3.10 The Mayor may excuse the attendance of a member of the Council at any meeting for illness, vacation or other reasonable cause. The Mayor shall determine if an absence is unexcused. The absence of a member of the Council shall be recorded in the minutes as either excused or unexcused. Councilors with unexcused absences at three consecutive meeting may be censured by the Council and may lose all stipend privileges.
- 3.11 With prior arrangements approved by the Mayor, a councilor may attend a regular meeting or work session electronically.

Section 4. AGENDA AND ORDER OF BUSINESS

- 4.1 An agenda for each regular Council meeting and work session shall be prepared by the Mayor and City Manager. The City Council may direct, by consensus, that specific items be included on the agenda. A City Councilor may also request an item for a future agenda. New agenda items will be discussed first at Council work sessions. The procedure for a City Councilor to place an item on the agenda is as follows:

1. A City Councilor may request an item for a future agenda by sending an email to the Mayor and City Manager. The request shall include a brief written description of the proposed item and the purpose of the item. To be considered at the next regularly scheduled work session the request shall be submitted to the Mayor and City Manager not less than eight business days prior to the meeting.
2. At the work session, the City Council will discuss the request and determine whether to place it on the agenda for the next regular Council meeting, direct the Councilor to do further work and return it for a later work session, direct it to the Manager or a Council Committee for further review, or take no further action on the request.
3. If the proposed item is not approved, it may not be proposed again for consideration for 6 months.
4. Agendas and informational material should be distributed to the City

Council at least 3 calendar days prior to all regular meetings and work sessions.

4. Council Agenda packets shall be posted on the City's website no later than Friday before a Council Meeting.

4.2 The normal order of business for a regular Council meeting shall be as follows:

Open Regular Meeting

Pledge of Allegiance

Public Forum

Mayor's Report

Any modifications to the order of business

Correspondence

Consent Calendar

Administrative Report

Council Action Items/Public Hearings

Upcoming Meetings and Events

Adjournment

Note – If required, an Executive Session can be placed on the City Council Agenda

Although the normal order of business for a regular Council meeting follows the format as presented above, the agenda may be modified by the Mayor or by vote of the City Council in order to allow for a more efficient meeting and to allow the public to participate and be aware of the decision rendered without undue delay. For example, an Ordinance may be moved for action immediately after the public hearing is held, rather than waiting for it to come up as an action item under administration.

4.3 City Council work sessions will normally include the following items in this order:

Pledge of Allegiance

Open Meeting

Mayor's Report

Committee, Boards and Commissions Reports

Council Training Reports

Presentations

Discussion Items
Adjournment

Discussion items on the agenda are intended for thorough examination which will provide sufficient time for public input. The Mayor shall recognize members of the public who will be asked to speak on the subject under discussion.

Section 5. PROCEDURE FOR COUNCIL MEETINGS

- 5.1 The current edition of *Mastering Council Meetings*, by McFarlane and Estep, shall be used a general guide for conducting all council meetings
- 5.2 The City Council agrees to be clear and simple in its procedures and considerations of decisions before it. The Council shall avoid invoking the finer points of parliamentary rules to obscure issues and arouse audience suspicion at public meetings.
- 5.3 Council Meetings shall be chaired by the Mayor, if present, if not; the Council President shall serve as Chair. If neither the Mayor nor Council President is present, the City Manager shall call the meeting to order and those Council members present shall elect a Chair pro tem for that meeting. At any meeting, the Chair may appoint another member of the Council to serve as Chair for part or all of the meeting.
- 5.4 Every Councilor desiring to speak should first raise their hand and be addressed by the Chair before speaking. The Chair will determine the order of speakers.
- 5.5 No motion shall be debated, except by the maker, until it has been seconded and announced by the Chair.
- 5.6 Members of the public desiring to address the Mayor and Council during the public forum portion of a regular Council meeting shall first complete a speaker registration form developed by the City Manager. The speaker registration form shall be a simple form that seeks the speaker's name, address, and an indication of the topic to be discussed. The forms shall be provided to the City Recorder. This procedure will allow the Mayor to plan for and provide adequate time for each agenda item during the meeting. During the public forum, members of the public will be recognized by the Mayor from the registration forms and shall state their name for the record. Each person shall have up to three minutes to present their comments, with the total time for public forum not to exceed thirty minutes. Groups with like comments should choose

a spokesperson who will present their joint remarks.

- 5.7 Councilors should refer people with questions or concerns to the City Manager. If they are not satisfied with the results of that communication, they should submit a letter to the City Council. They may also present their concern during the public forum at a regular council meeting.
- 5.8 Public comment is welcome at regular Council meetings and work sessions. Comments by members of the public must be directed to the topic then under discussion. A member of the public wishing to address an item not otherwise listed on the agenda may do so only during Public Forum. Any remarks and questions regarding personnel or administration of the City shall be referred to the City Manager by the Chair. The Chair may redirect other questions to a City Councilor or the City Manager, as appropriate.
- 5.9 Councilors may address questions to the City Manager, who may either answer the inquiry or designate a staff member to do so. Councilors are encouraged to present their questions to the City Manager prior to the meeting when possible.
- 5.10 When a quorum is present, a majority of the Council present and voting shall decide a motion.
- 5.11 Duty to Vote: Unless confronted with an actual conflict of interest every member present when a question is taken, shall vote.
- 5.12 Conflicts of Interest: In every case in which a Councilor is faced with a potential conflict of interest or an actual conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Council member, after disclosing the nature of the conflict, shall remove themselves from the Council table and refrain from participation in both the discussion and the vote on the issue.
 - A. An actual conflict of interest is any action, decision, or recommendation that would grant a private pecuniary benefit to the Councilor or help the Councilor avoid a private pecuniary detriment. This same standard applies to relatives of the Councilor or any business with which the Councilor or Councilor's relative is associated. (ORS 244.020(1)).
 - B. A potential conflict of interest is defined as any action, decision, or recommendation which could have a private pecuniary benefit on the Councilor or allow the Councilor to avoid a private pecuniary detriment. This standard also

applies to relatives of the Council or any business with which the Councilor or Councilor's relative is associated. (ORS 244.020(12)).

- 5.13 The vote on every motion shall be taken by a show of hands, voice vote or roll call and entered in the meeting minutes.
- 5.14 A motion fails in the event of a tie vote.
- 5.15 A Councilor who votes on the prevailing side of a motion may move for reconsideration of any vote. This motion must occur during the meeting or at the very next scheduled Council meeting.

Section 6. DECORUM AND ORDER

- 6.1 The Chair shall preserve decorum and decide all points of Order, subject to appeal to the Council.
- 6.2 The Councilors shall help the Chair preserve decorum during Council meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the directions of the Chair or these Council Rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attack, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- 6.3 Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the Council.
- 6.4 Any person who engages in disorderly behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of any city council meeting shall, upon an order by the Chair or a majority of the city council, be barred from further audience before the city council during that meeting. Whenever practicable, the Chair or a majority of the city council shall give a warning to the person who is being disorderly. A warning is not necessary when it would not be effective under the circumstances or when the conduct of the person constitutes an immediate threat to public safety.
- 6.5 If a meeting is disrupted by members of the audience, the Chair may order that the Council Chamber be cleared, and a recess called until order is restored.

Section 7. CENSURE

- 7.1 The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a violation of these rules or other general laws, the Council, by majority vote, may discipline that Councilor to the extent provided by law, including public reprimand.
- 7.2 To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Council, either in open meeting or in executive session, to discuss any finding that reasonable grounds exist that a violation has occurred.

Section 8. CODE OF ETHICS

- 8.1 Councilors shall comply with all applicable provisions of the State of Oregon's Government Ethics Laws, as established in ORS Chapter 244 and incorporated herein by reference.
- 8.2 Councilors are encouraged to conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to ensure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, social station, religion, marital status, familial status, domestic partnership status, sexual orientation, source of income, and disability status.
- 8.3 If the Mayor or a Councilor represents the City before another public body, governmental agency, community organization or with the media, the Mayor or Councilor must always present the majority position of the Council. Personal opinions and comments may be expressed only if it includes clarification that these statements do not represent the position of the City Council.
Communication of personal opinions and comments should not be accompanied with a statement of the author's status as a member of the Council. As a courtesy, if the Mayor or a Councilor provides information to the media, they shall notify the City Manager regarding the contact as soon as possible and the City Manager will notify the rest of the Council by issuing a short email.
- 8.4 If the Mayor or a Councilor wishes to use social media to present information that is representative of the City they must always present the majority position of the

Council. Social media includes blogs, twitter, Facebook and all forms of electronic communications media.

- 8.5 If the Mayor or a Councilor wishes to use social media as a communication tool for their personal opinions and comments they must include clarification that the statements do not represent the position of the City Council. Social media includes blogs, twitter, Facebook and all forms of electronic communications media.

Section 9. COUNCIL RELATIONS WITH CITY STAFF

- 9.1 There will be at all times mutual respect from both Councilors and staff of their respective roles and responsibilities. This will be especially true when criticism is being expressed in a public meeting.
- 9.2 The Council sets city policies and goals. The staff implements and administers the policies and goals.
- 9.3 During a City Council meeting, all requests for information go directly to the Chair or City Manager. At other times, if the request for information would entail an effort that would require time to be spent in researching and/or preparing a response, the request goes directly to the City Manager. The City Manager will direct the request to staff, the City Attorney or respond to the request themselves. Questions or complaints regarding staff go directly to the Mayor or City Manager.
- 9.4 City Councilors seeking information about the operation of various City departments will direct their questions to the City Manager. Councilors must not attempt to change or interfere with the operation or practice of any City department or personnel.

Section 10. COMMITTEES

- 10.1 The Mayor with consent of the Council may establish by resolution ad hoc or standing committees to perform specified investigatory or advisory functions. Any authority granted to such committees shall be clearly delegated (in the form of charges) in the resolution creating the committee.
- 10.2 A Citizens Committee may be appointed for the length of time necessary to accomplish their mission. The appropriate number of appointees may be determined at the time of appointment, in a manner consistent with Section 10.1.
- 10.3 Council Committees serve only in an advisory capacity to the City Council and

shall meet on an as needed basis as directed by the City Council. After City Council direction is given, meetings may be called by the City Manager, the Mayor or by the Committee Chair. A secretary shall be appointed by a majority vote of the Committee at its first meeting after Committee appointments are made. A majority of the members of a committee shall constitute a quorum to do business.

- 10.4 The Mayor, with the consent of the Council, may remove a member from any city committee or commission prior to the expiration of the term of office. Reasons for removal may include but are not limited to: missing three consecutive regular meetings of the committee or commission, disruptive or inappropriate behavior prior to, during, or after committee or commission meetings which prohibit the advisory body from completing its business in a timely manner or not acting in the best interest of the citizens or city.
- 10.5 In accordance with Oregon State Public Meetings Laws members of the Council not serving on a board, committee, task force or commission shall not attempt to lobby or influence board, committee, task force or commission members on any items under their consideration. It is important for City advisory bodies to make objective recommendations to the Council on items before them. Councilors that attempt to influence board, committee, citizens committee or commission members on an item may prejudice or hinder their role in reviewing the recommendation as a member of the Council. All meetings of any City Boards, Commissions, Task Forces, or Council Committees shall be subject to and comply with the Oregon Public Meetings Law, ORS 192.610-192.710.

Section 11. CONFIDENTIALITY

- 11.1 Councilors must keep in complete confidence all written materials and verbal information provided to them in confidence or learned in executive session, to ensure that the City's position is not compromised. No mention of confidential information read or heard should be made to anyone other than other Councilors, the City Manager, or City Attorney.
- 11.2 If the Council, in executive session, provides opinions or information to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, a proposed, pending or likely claim or litigation, and/or employee negotiations and evaluations, all contact with the other parties shall be made by the designated staff representative handling the negotiations or litigation. A Councilor shall not have any contact or discussion with the other party, or its representative involved with the issue, nor communicate any

discussion conducted in executive session.

Section 12. AMENDMENT OF COUNCIL RULES

- 12.1 Amendments, deletions or additions to these Council Rules shall be by resolution approved by the City Council.

Section 13. SEVERABILITY

- 13.1 The Councilors agree that if any term or provision of the rules is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the rules did not contain the particular term or provision held to be invalid.

Passed by the Council and approved by the Mayor this 14th day of February 2022.

*Signature on File

Dave Stram, Mayor

Attested:

*Signature on File

Roberta J. Tharp, City Recorder

CITY OF LAFAYETTE CITY COUNCIL RULES

June 21, 2021

1. PURPOSE

1.1 Pursuant to Section 13 of the City Charter, the Council shall adopt Council rules. The Council shall review its rules during the first quarter of odd-numbered years. Amendments shall be adopted by a majority vote. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinance or policies, or provisions of the City Charter.

2. COUNCIL DISCUSSIONS AND DECORUM - GENERALLY

2.1 In general, Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed about the matters coming before the Council, and abiding by all decisions of the Council, whether or not the member voted in favor of the decision.

2.2 Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Mayor or Presiding Officer or the Council rules. Councilors shall, when addressing other Councilors, staff or members of the public, be respectful and courteous in tone and conduct, and confine themselves to questions or issues then under discussion.

2.3 The Council has an obligation to consider and address the questions coming before it in an efficient and effective manner, and to respectfully consider the opinions of the City's citizens and other Councilors. Therefore, the following ground rules shall apply during Council discussions:

2.3.1 Efficiency:

Councilors shall:

2.3.1.1 Try to gather necessary information, resolve questions, etc., about issues from the staff prior to discussing them at a meeting.

2.3.1.2 During a meeting, seek clarification from staff before proceeding with evaluation or debate.

2.3.1.3 During discussion, focus on a single issue or topic at a time, and reach resolution on one issue or topic before proceeding to the next.

2.3.1.4 Set time limits on discussions and adhere to them.

2.3.1.5 Keep the discussion moving, and call for a “process check” if the discussion gets sidetracked or bogged down.

2.3.1.6 Adhere to the established agenda, and schedule additional issues on a future agenda.

2.3.2 Effectiveness and Respect. Each Councilor shall:

2.3.2.1 Speak only for himself or herself, not for other Councilors. A Councilor shall not state that he or she is representing the Council, unless asked by the Council to do so.

2.3.2.2 Avoid personalizing issues and focus on making decisions that will best serve the City and its citizens. Focus on City issues and avoid becoming involved in “extra-territorial” issues.

2.3.2.3 Be open, direct, and candid in Council discussions. Be brief and succinct in stating views, and avoid redundancy. Avoid personal attacks and remain objective in discussions, despite feelings on a particular topic or decision.

2.3.2.4 Give all members of the Council an opportunity to express their views. Listen to the contributions of other Councilors, City staff, and the public.

3. CONFIDENTIALITY

3.1 Councilors shall not share or discuss any confidential information with anyone other than other Councilors, the City Administrator, or the City Attorney.

3.2 Discussions in executive session are confidential. If the Council, in executive session, reaches consensus or provides direction to staff on confidential matters -- such as negotiations on property acquisition or disposal, pending or likely claim or litigation, or employee negotiations -- all contact with other parties shall be made only by the City Administrator.

3.3 All public statements, information, or press releases relating to a confidential matter will be handled by the City Administrator.

3.4 The Council, by resolution, may censure a member who discloses a confidential matter or has willfully violated City Council Rules. As used in this section, “censure” means to make a formal statement, either verbally or in writing,

expressing strong disapproval or harsh criticism by the Council of an action of a member who the Council believes has violated this rule. This censure can be done by a motion to censure, or a resolution of censure, either of which must set out in detail the alleged violation.

4. COMMUNICATION WITH STAFF

4.1 In observing the separation between policy-making and administration, the following rules shall apply:

4.1.1 Councilors and staff shall work together in a spirit of mutual confidence and support.

4.1.2 Except in a Council meeting, Councilors shall not attempt to influence or coerce a staff member on decisions concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications, or the granting of City licenses and permits.

4.1.3 Councilors shall direct to the City Administrator all requests for information from staff, or to the City Attorney, and allow sufficient time for response. When so directed in a Council meeting, the City Administrator shall submit to all Councilors all written material requested by the Mayor or individual Councilors on behalf of the City Council.

4.1.4 Councilors shall limit individual contact with City employees so as not to interfere with their work performance, undermine the authority of supervisors, or prevent the full Council from benefiting from information received.

4.1.5 Councilors and staff shall be respectful and constructive when offering criticism of each other, whether inside or outside of a public meeting.

4.1.6 During a Council meeting, Councilors shall address staff questions to the City Administrator, who shall be entitled to either answer the inquiry or designate a staff member to do so.

5. AGENDA

5.1 The City Administrator shall prepare an agenda of the business to be presented at a regular Council meeting. The items on the agenda should follow a customary order of business as prescribed by the Council. The City Administrator, Mayor, Council members or the public may request that a matter be placed on the agenda. The City Administrator shall have the discretion of placing an item on the agenda for the upcoming meeting or a subsequent meeting because of time constraints or time needed for compilation of materials. Requests for placement of an item on the agenda must be received by the City Administrator by 5:00 p.m. on the Wednesday a week prior to a regularly scheduled meeting. If an agenda item is requested to be placed on an agenda and staff isn't able to accommodate the request, then the reason why will be communicated to the person who requested it.

5.1.1 An item may be added to, or removed from, the agenda at the beginning of any meeting by the City Administrator, the Mayor or any Council member subject to approval by a majority of the Council present at the meeting.

5.2 Regular meetings may include the following agenda items subject to the right of the Mayor to alter the order of business:

Call to order.

Flag Salute.

Roll call.

Approval of minutes from previous meetings.

Additions and Deletions. The purpose of this item is to add or delete items on the agenda. Items may be added or deleted by the City Administrator, Mayor, or with concurrence of a majority of the Council.

Public hearings. All public hearings will be subject to notice requirements as listed in other City ordinances and state law, unless there are none, and then a Notice of Public Hearing shall be placed in a local newspaper a minimum of one time within the 7 days prior to the meeting. A copy of this Notice of Public Hearing shall also be posted at City Hall during that time.

Citizen Input on non-agenda items. The purpose of this item is to allow citizens to address the Council on matters related to City government and properly the object of Council consideration. A time limit may be imposed by the Mayor or Presiding Officer, who shall Chair the meeting and maintain Council meeting decorum. If the consensus of the Council is that a specific matter brought up during this portion of the meeting should be discussed further or acted on, then the Council can direct staff to look into the matter or place it on a future agenda.

Departmental reports. Reports by staff members may be discussed here if requested by a member of the Council or the City Administrator.

Legislative Actions. Adoption of Ordinances and Resolutions. A reasonable amount of time will be allocated for audience questions and comments on each agenda item in this section. The Mayor or Presiding Officer must recognize each person before they are allowed to speak.

Action Items. Items deemed by City Administrator to require a consensus decision or a motion and vote of the Council, other than the adoption of Ordinances and Resolutions. A reasonable amount of time will be allocated for audience questions and comments on

each agenda item in this section. The Mayor or Presiding Officer must recognize each person before they are allowed to speak.

Discussion Items. Updates from City Administrator concerning on-going projects, Council discussion of proposed policy changes, discussion of proposed projects, etc. A reasonable amount of time will be allocated for audience questions and comments on each agenda item in this section. The Mayor or Presiding Officer must recognize each person before they are allowed to speak.

Committee Reports. Advisory committee representatives may be given an opportunity to present information to Council.

Mayor's Report.

Review of Citizen Comment Cards. The Council may discuss citizen comments received and placed in the Council meeting packet.

Adjournment.

5.2.1 Each agenda item within the Legislative Actions, Action Items, and Discussion Items categories may be dealt with in the following order:

1. Staff Explanation
2. Council Questions
3. Council Discussion
4. Audience Questions/Comments
5. Council Motion
6. Council Deliberation
7. Vote

6. PRESIDING OFFICER

6.1 The Mayor shall be the Presiding Officer at all regular and special meetings and executive sessions of the Council. The Mayor shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion of any matter before the Council, subject to these rules. In the absence of the Mayor, the Council President shall assume the duties of Presiding Officer. In the absence of both the Mayor and Council President, the Council will determine which Councilor present shall be the Presiding Officer.

6.2 The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as Presiding Officer. However, the Mayor shall vote only in the case of a tie vote, consistent with the City Charter.

7. MEETINGS

- 7.1 The Council will meet regularly at 6:30 p.m. on the second Thursday of each month in the Council Chambers. A second special meeting or work session may be held on the fourth Thursday of each month, also in the Council Chambers. All regular or special meetings or work sessions shall be open to the public. All meetings will be adjourned not later than 10:30 p.m. unless extended by a majority vote of the Council. The Council or City Administrator may, at their discretion, schedule meetings or work sessions at other times to be announced.
- 7.2 Each Councilor shall make every effort to attend all meetings. A Councilor shall inform the Mayor or staff in advance if he or she is unable to attend any meeting. The Mayor shall inform the Council President and the City Administrator if he or she is unable to attend a meeting.
- 7.3 Every effort shall be made to begin meetings on time, and to avoid unduly long meetings. With the concurrence of the Council, the Mayor or Presiding Officer may table or postpone discussion on any item or matter until a subsequent meeting.
- 7.4 At the beginning of each regular meeting, the Council shall designate a time for community comment, which shall be reserved for citizens to address the Council on matters related to City government and properly the object of Council consideration. A time limit may be imposed by the Mayor or Presiding Officer, who shall Chair the meeting and maintain Council meeting decorum. The purpose of the community comment period is to provide citizens an opportunity to be heard by the Council primarily on issues not on the agenda. Each Councilor should refrain from engaging speakers in debate or extended dialogue, or directing questions to staff for immediate response. Councilors shall refer complaints or questions to the City Administrator.
- 7.5 The Mayor or Presiding Officer shall direct persons addressing the Council to either stand or step to the podium, limit their comments if required by the Mayor or Presiding Officer, and provide their name and address for the record. All public remarks should be addressed to the entire Council. Any person making personal, impertinent or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council may be requested or required to leave the meeting.
- 7.6 After a public hearing has been closed, no public member shall address the Council without first securing permission from the Mayor or Presiding Officer.
- 7.7 The Mayor may, or, at the request of three members of the Council, shall, call an emergency meeting after giving notice as required by Oregon's

Public Meeting Laws. No other business shall be transacted at any emergency meeting, other than that for which it was called. All proceedings of the emergency meeting must be reviewed at the next regular Council meeting.

- 7.8 Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting. A motion to adjourn shall not be made while a Councilor is speaking or while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting will be adjourned.
- 7.9 A short break may be taken during the meeting upon a decision by the Mayor or Presiding Officer.

8. ORDER AND DECORUM DURING COUNCIL MEETINGS

- 8.1 The Mayor or Presiding Officer shall preserve order at all meetings of the Council, cause the removal of any person from any meeting for disorderly conduct, and enforce the rules of the Council. The Mayor or Presiding Officer may command the assistance of a police officer to restore order at any meeting. If a meeting is disrupted by members of the audience, the Mayor or Presiding Officer may order that the Council Chambers be cleared.
- 8.2 Any of the following shall be sufficient cause for the removal of any person from the Council Chambers for the duration of the meeting:
- 8.2.1 Unreasonably loud or disruptive language, noise or conduct that is obstructive of the work or the conducting of the business of the Council.
 - 8.2.2 Engaging in violent or distracting actions.
 - 8.2.3 Willful damage to furnishings or of the interior of the Council Chambers.
 - 8.2.4 Refusal to obey an order of the Mayor or Presiding Officer or an order issued by a Councilor which has been approved by a majority of the Council present.
- 8.3 Before the person is removed from the Council Chambers for conduct described in this section, that the Mayor or Presiding Officer shall warn the person to cease his or her conduct.

9. EXECUTIVE SESSIONS

- 9.1 An executive session (meeting closed to the public) may be held in accordance with Oregon's Public Meetings Laws, if permitted under ORS 192.660.
- 9.2 No final action may be taken during an executive session. When the Council reconvenes in open session, final action may be taken. Only the Council, City Attorney, staff members requested by the Council, and news media representatives may attend the executive session. The Mayor or Presiding Officer shall instruct members of the press that they may not report the substance of an executive session.
- 9.3 Minutes of the executive session will be recorded in accordance with ORS 192.650(2).

10. MEETING STAFFING

- 10.1 The City Administrator shall attend all Council meetings unless excused by the Mayor. The City Administrator may make recommendations to the Council and may take part in all Council discussions, but shall have no vote.
- 10.2 At the request of the City Administrator or Mayor, the City Attorney shall attend Council meetings and shall, upon request, give an oral or written opinion on legal questions. The City Attorney should be recognized by the Mayor or Presiding Officer before he or she addresses the Council during Council meetings.
- 10.3 The City Administrator shall perform the duties of meeting recorder, or shall designate a staff or contact person as a meeting recorder. The meeting recorder will attend all Council meetings and keep the official minutes, and perform such other duties as may be needed for the orderly conduct of meetings.
- 10.4 Department directors or other staff will attend Council meetings upon request of the City Administrator.

11. MINUTES

- 11.1 Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required.
- 11.2 The minutes of meetings of the Council shall comply with provisions of ORS 192.650 by containing, at minimum, the following information:
 - 11.2.1 The name of Councilors and staff present.

- 11.2.2 All motions, proposals, resolutions, orders, ordinances and measures proposed, and their disposition.
- 11.2.3 The result of any votes, including ayes and nays, and the names and votes of the Councilors whenever there is a split vote.
- 11.2.4 The substance of the discussion on any matter, including direction to staff.
- 11.2.5 Reference to any document discussed at the meeting.
- 11.3 Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made a part of the record. The exhibit shall be marked for identification and referenced in the minutes. The exhibit or a copy thereof shall be provided to the meeting recorder.
- 11.4 The Council may amend the minutes to more accurately reflect what transpired at the meeting. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes such change.

12. CONDUCT OF HEARINGS

- 12.1 Scope of Rules. The rules contained in this section shall govern the conduct of administrative and quasi-judicial hearings held by the Council including, but not limited to, those held pursuant to land use matters of the City.
- 12.2 Nature and General Conduct of Hearing.
 - 12.2.1 The Council when conducting any such hearing shall afford persons entitled under the ordinances of the City, such as the land use ordinances, to notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, and to have a decision based on substantial evidence.
 - 12.2.2 No person in attendance shall be disorderly, abusive or disruptive of the orderly conduct of the hearing and any person may be removed from the hearing for such conduct.
 - 12.2.3 No person offering testimony shall speak more than once without obtaining permission from the Mayor or Presiding Officer.

- 12.2.4 No person shall testify without first standing, receiving recognition from the presiding officer and stating his or her name and residence or business address.
- 12.2.5 No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by staff shall be deemed relevant, material and the weight or competency thereof shall be determined by the Council.
- 12.2.6 There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.
- 12.2.7 The Mayor, Presiding Officer, and Councilors may question and cross-examine any person who testifies. With the approval of the Mayor or Presiding Officer, the City Administrator may also question and cross-examine any person who testifies.

12.3 Order of Procedure. The Mayor or Presiding Officer, in the conduct of the hearing, shall comply with the appropriate City ordinance and/or state law for specific types of hearings so regulated. For administrative hearings not subject to other City ordinances or state law, the hearing will be conducted in the following manner:

- 12.3.1 Commence the Hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.
- 12.3.2 Call for Abstentions. Any Councilor announcing a decision to abstain shall identify the reasons for abstaining and shall leave the Council table and not participate in discussion of the matter or vote on the matter.
- 12.3.3 Staff Report. The City Administrator, or designee, shall summarize the nature of the matter, explain any graphic or pictorial displays which are a part of the record, and provide such other information as may be requested by the Council.
- 12.3.4 Written Communications. Written communications addressing any matter before the Council should be received by the City the week before a regularly scheduled Council meeting.

12.3.5 Audience Participation. Those present wishing to speak in favor of the proposed action will be allowed to speak, followed by those opposed to the proposed action.

12.3.6 Close of Hearing and Deliberation by Council. The Mayor or Presiding Officer shall conclude the hearing and the Council shall deliberate the matter. The Council shall either make its decision or continue its deliberations to a subsequent meeting, the date, time, and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, and the Mayor or Presiding Officer shall not allow additional submission of testimony, except on approval by the Council.

13. CONFLICTS OF INTEREST

Each Councilor must understand the statutory obligation pursuant to ORS Chapter 244 to declare a potential or actual conflict of interest and act accordingly.

14. ETHICS REQUIREMENTS AND REPORTING

14.1 Councilors shall review and observe the requirements of the State Ethics Laws and related statutes. It is each Councilor's responsibility to file statements of economic interest as required by ORS Chapter 244.

14.2 Councilors shall give public notice of any conflict of interest or potential conflict of interest and the notice shall be reported in the meeting minutes. Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:

14.21 Making decisions involving business associates, customers, clients and competitors;

14.22 Appointing relatives, clients or employees to boards and commissions;

14.23 Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends;

14.24 Seeking employment of relatives with the City;

14.25 Actions benefiting special interest groups at the expense of the City as a whole;

14.26 Participating in decisions of City boards and commissions where there is a possibility of appeal of the matter to the Council.

14.27 Expressing an opinion which is contrary to the official position of the Council without so stating.

15. USE OF CONTRACTORS BY COUNCIL

All requests by Council for use of contractors to perform billable work shall be directed through the City Administrator with the exception of the City Attorney. At any time during a public meeting a majority of the Council may direct the work of the City Attorney. Outside of a public meeting, the Mayor at any time may consult with the City Attorney on matters of Council-Administrator relations, Mayor-Councilor relations, or Councilor-Councilor relations.

16. CONDUCT OF BUSINESS

16.1 Motion Procedure. When a motion is moved and seconded, it shall be stated by the Mayor or Presiding Officer for debate. A motion once made may not be withdrawn by the mover without the consent of the Councilor seconding it. No Councilor shall be allowed to speak more than once on a particular question until every other Councilor has had an opportunity to do so.

16.2 Motion to Postpone or Table. A motion to postpone or table may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority.

16.3 Point of Order. Any Councilor may raise a point of order at any time and the Mayor or Presiding Officer shall determine all points of order, subject to the right of any Councilor to appeal the decision to the full Council.

17. PROCESS FOR DETERMINING RESIDENCY

17.1 The Council shall determine whether a person is qualified to hold elective City office consistent with the requirements imposed by the City Charter.

17.2 Residency means a person actually lives and maintains a domicile within City limits where they personally reside. A determination of residency must include physical occupancy of the structure.

17.3 The Council shall use its best judgment in making a determination on residency and may consider (but are not limited to) any of the following as evidence thereof:

17.3.1 voter registration card;

17.3.2 Oregon driver license;

17.3.3 tax returns; or

17.3.4 mail addressed to the Councilor at a street address located within the City limits.

18. COMMITTEE APPOINTMENTS

The Mayor may make appointments to all committees subject to public meetings statutes with the concurrence of a majority of Councilors present. All other appointments to committees not subject to public meetings statutes may be made by the Mayor without the concurrence of Council.

18.1 All volunteer application forms from interested applicants for Mayoral appointment action shall be provided in the agenda packet. Nominations for vacancies shall be at the discretion of the Mayor pursuant to the Charter.

Amendment History:

March 12, 2009

April 9, 2009

July 8, 2010

May 12, 2011

August 23, 2012

May 13, 2021

Chapter 2.10 RULES OF COUNCIL

Sections:

2.10.010 Purpose.

2.10.011 General governance.

2.10.012 Agenda management.

2.10.013 Meeting time, location and frequency.

2.10.014 Motions, debate, public comment and voting.

2.10.015 Minutes.

2.10.016 Ethics, decorum and outside statements.

2.10.017 Interactions with staff and city attorney.

2.10.020 *Repealed.*

2.10.030 *Repealed.*

2.10.040 Hearings and council impartiality.

2.10.050 Committee and representative assignments.

2.10.060 Committees, commissions and boards of the city.

2.10.070 *Repealed.*

2.10.080 Strategic plan.

2.10.010 Purpose.

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. Finally, rules of procedure ensure continuity and stability during transition years when new members of the council are elected to office. [Ord. 860 § 1 (Exh. A), 2022; Ord. 557 § 1, 1988.]

2.10.011 General governance.

A. Rules of Procedure.

1. 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 the latest edition of Robert's Rules of Order.
2. 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.
3. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

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

1. 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.
2. In the event a quorum is not present, the members of the council present shall adjourn the meeting.

C. Presiding Officer.

1. 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.
2. In the mayor's absence the president of the council 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.
3. If both the mayor and the president of the council are absent from the meeting, the members of the council present shall elect, by majority vote, a temporary presiding officer for the meeting.

4. 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.
5. The presiding officer shall retain all rights and privileges of a member of the council when acting in this capacity.

D. Other Elected and Appointed Officers.

1. City Recorder. The city recorder shall keep the official minutes of the council.
2. City Manager. The city manager is required to attend all meetings of the council and is permitted to participate in any discussion and provide recommendations as appropriate; however, the city manager has no authority to cast a vote in any decision rendered by the council.
3. City Attorney. The city attorney shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city attorney may attend any meeting of the council, and will, upon request, give an opinion, either written or oral, on legal questions. [Ord. 860 § 1 (Exh. A), 2022.]

2.10.012 Agenda management.

A. Agendas. The city manager, in collaboration with the presiding officer, shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.

1. Agendas and informational material for meetings shall be distributed to the council at least three business days preceding the meeting.
2. No council approval shall be required for an agenda of any meeting.
3. The city manager may place routine items and items referred by staff on the agenda without council approval or action.
4. The city manager 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.
5. A member of the council who wishes to request an item be placed on the agenda shall advise the city manager and mayor at least one week prior to the meeting. The

requesting councilor, in collaboration with the city manager and mayor, may be asked to submit a written agenda item summary and other supporting information as needed. The ultimate decision for adding an item to the agenda will be made by the city manager in consultation with the mayor.

a. In case of an emergency situation, a city councilor or the mayor may make a motion to add an item to the agenda. If seconded and supported by a majority of the council, the item will be added to the agenda and discussed during that meeting.

b. A city councilor or the mayor may make a motion to add an item to the agenda of a future meeting as clarified in the motion and discussed in the meeting at which it was proposed. If seconded and supported by a majority of the council, the item will be added to the agenda as clarified in that motion and discussed during that meeting.

B. Order of Business. The order of business for all regular council 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 at the presiding officer's discretion:

1. Call to order and roll call.
2. Announcements/proclamations.
3. Public hearings and associated ordinances or resolutions.
4. Public comment.
5. Invited presentations.
6. Consent agenda.
7. Items removed from the consent agenda.
8. Unfinished business.
9. New business.
10. Ordinances and resolutions.
11. Reports of boards, commissions, committees, council liaisons and city staff.
12. Information and correspondence.

13. Executive session.

14. Adjournment.

C. Public Comment.

1. Public comment will be allowed at every regular meeting of the council. Persons will be allowed to make comment on any item, on the agenda or not on the agenda.

2. Persons wishing to speak during public comment must sign the "speaker's roster" with the person's name and city of residence and the topic upon which the person wishes to speak, not later than the call to order.

a. Speakers are limited to three minutes. Speakers will begin by identifying themselves by their name and city of residence. Speakers are not required to state their home or mailing address.

b. 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 meeting.

3. 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.

4. Members of the council will not discuss topics or make decisions during this time, but may ask clarifying questions, take comments or requests under advisement, assign topics to a future council or standing committee agenda, or request staff to take action. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

5. 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.

D. 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 the council must declare a conflict of interest.

E. Presentations. Presentations may be scheduled by the mayor, city manager or a majority of the council.

F. Executive Sessions. Executive sessions may be called by the presiding officer, by the request of three members of the council, by the city manager, or by the city attorney.

1. Only members of the council, the city manager, and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions.

2. Representatives of recognized news media 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.

G. Work Sessions. Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings.

1. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.

2. 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.

3. Work sessions are to be scheduled by the city manager, in collaboration with the city council.

4. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible. [Ord. 860 § 1 (Exh. A), 2022.]

2.10.013 Meeting time, location and frequency.

A. Regular Meetings. The council shall meet on the second Monday of each month, with the exception of designated holidays and/or council recesses.

1. Meetings shall begin at 7:00 p.m.

2. Meetings shall adjourn at 9:30 p.m., allowing one-hour increment extensions upon a majority vote of the council.

B. Special Meetings. Special meetings may be called by the presiding officer, by request of three members of the council, or by the city manager.

1. Notice of the special meeting shall be given to each member of the council, the city manager, and the list of interested persons maintained by the city recorder.

2. Notice of the special meeting shall be given to all members of the council and the city manager via telephone and email.

3. 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.

C. Emergency Meetings. Emergency meetings may be called by the presiding officer, by the request of three members of the council, or by the city manager.

1. Notice of the emergency meeting shall be given to each member of the council, the city manager, the city attorney, and the list of interested persons maintained by the city recorder.

2. Notice of the emergency meeting shall be given to all members of the council and the city manager via telephone and email.

3. 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.

4. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

D. Holidays. In the event a regular meeting falls on a holiday recognized by the city, the regular meeting for that week shall be cancelled or rescheduled.

E. Location. Council meetings shall be held at City Hall, unless this rule is suspended by the city council.

1. 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.

2. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.

3. 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.

4. No council meeting shall be held where systemic discrimination is knowingly practiced on the basis of an individual's race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, disability or any other form of identity or status.

F. Notice. The city recorder shall provide notice of all meetings in accordance with Oregon's public meeting law.

G. Attendance. Members of the council shall advise the city manager, presiding officer and city recorder if they will be unable to attend any meetings. [Ord. 860 § 1 (Exh. A), 2022.]

2.10.014 Motions, debate, public comment and voting.

A. Motions. All motions shall be distinctly worded.

1. The following rules shall apply to motions:

- a. If a motion does not receive a second, it dies.
- b. The council will discuss a motion only after the motion has been moved and seconded.
- c. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
- d. Any motion shall be reduced to writing if requested by a member of the council.
- e. A motion to amend can be made to a motion that is on the floor and has been seconded.
- f. No motion shall be received when a question is under debate except for the following:
 - i. To lay the matter on the table;
 - ii. To call for the previous question;

iii. To postpone;

iv. To refer; or

v. To amend.

g. A motion may be withdrawn by the mover at any time without the consent of the council.

h. Amendments are voted on first, then the main motion is voted on as amended.

i. 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.

j. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.

i. A call for the question fails without a majority vote.

ii. Debate on the main subject resumes if the motion fails.

k. A motion that receives a tie vote fails.

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

m. A motion to adjourn cannot be amended.

2. Motion to Reconsider.

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

b. No motion shall be made more than once.

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

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

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

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

C. Voting. The following rules shall apply to voting on matters before the council, unless amended in the manner outlined in PMC 2.10.015.

1. 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.
2. Consent Agenda. The unanimous vote of all members of the council present is required to approve the matters on a consent agenda.
3. Resolutions. A majority of a quorum shall be required to pass a resolution.
4. An Ordinance Involving a Fee or Fine. An ordinance involving a fee or fine shall require a majority of the council to pass.
5. 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.
6. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
7. Budget. The budget shall require a majority of a quorum to pass.
8. Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
9. 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.
10. All votes shall be recorded in the minutes.
11. 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.
12. Effective Date.
 - a. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

- b. The following shall take effect immediately upon its passage:
 - i. Ordinances making appropriations and the annual tax levy;
 - ii. Ordinances relative to local improvements and assessments; and
 - iii. Emergency ordinances.
- c. All other ordinances shall take effect 30 days after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
- d. The filing of a referendum petition shall suspend the effective date of an ordinance. [Ord. 860 § 1 (Exh. A), 2022.]

2.10.015 Minutes.

A. Generally.

- 1. All minutes shall be in written form, with an electronic copy of the meeting maintained by the city recorder in accordance with the appropriate records retention schedule.
- 2. The minutes shall contain the following information:
 - a. The date, time and place of the meeting;
 - b. The members present;
 - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - d. The results of all votes and the vote of each member by name;
 - e. The substance of any discussion on any matter; and
 - f. A reference to any document discussed at the meeting.

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

- 1. All minutes shall be approved within two meetings of the body.
- 2. 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.

3. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

4. Any member of the council may submit comments about the minutes to be included in the subsequent meeting packet. [Ord. 860 § 1 (Exh. A), 2022.]

2.10.016 Ethics, decorum and outside statements.

A. 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:

1. Disclosing confidential information.
2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
3. Expressing an opinion contrary to the official position of the council without so saying.
4. Conducting themselves in a manner so as to bring discredit upon the government of the city.

B. Decorum.

1. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.
2. 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.
3. The councilor and mayor shall, when addressing staff, the public, or each other confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
4. 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 the council.

C. Statements to the Media and Other Organizations

1. Representing City. If a member of the council 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.

2. Personal Opinions. If a member of the council 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. [Ord. 860 § 1 (Exh. A), 2022.]

2.10.017 Interactions with staff and city attorney.

A. Staff. All members of the council shall respect the separation between the council's role and the city manager's responsibility by:

1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
2. Refraining from actions that would undermine the authority of the city manager or a department head.
3. 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.

a. Questions from individual members of the council requiring significant time or resources shall normally require approval of the council.

b. 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.

B. City Attorney. Council members may make requests to the city attorney; however, questions from individual members of the council requiring significant time or resources shall normally require approval of the council. [Ord. 860 § 1 (Exh. A), 2022.]

2.10.020 Order of business.

Repealed by Ord. 860. [Ord. 557 § 2, 1988.]

2.10.030 Consent agenda.

Repealed by Ord. 860. [Ord. 557 § 3, 1988.]

2.10.040 Hearings and council impartiality.

A. The following procedures are for public hearings except for land use hearings. Quasi-judicial land use hearings will be conducted as set out in PMC 18.105.050, Type III procedure (quasi-judicial). Legislative land use hearings will be conducted as set out in PMC 18.105.060, Type IV procedure (legislative).

B. All council members, city employees and city volunteers are required to conduct business in a manner that complies with the state ethics laws. Council members, city employees and city volunteers who have a conflict of interest or a potential conflict of interest, as defined in state law, have a duty to disclose that conflict or potential conflict of interest at the earliest opportunity.

1. Any proponent, opponent of, or other party interested in a matter to be heard by the council may challenge the qualification of any council member to participate in such proceeding and decision. Such challenge must state facts relied upon by the party relating to a council member's actual or potential conflict of interest.

- a. Such challenge must be made prior to the commencement of the public hearing.

- b. Such challenge shall be incorporated into the record of the hearing.

2. No council member shall participate in discussion or vote on the matter when the council member has an actual conflict of interest.

3. No other officer or employee of the city who has an actual or potential conflict of interest, financial or other private interest shall participate in discussion with, or give an official opinion to, the council on the matter without first declaring for the record the nature and extent of such interest.

4. The remaining members of the council, by a two-thirds vote, may exclude a member of the council from participation in discussion and vote on a matter if the council member refuses to abstain and the council finds that the council member is not capable of participating in an impartial manner because of an actual conflict of interest.

5. Notwithstanding any provision of this or any other rule, an abstaining or disqualified council member may be counted for purposes of forming a quorum; and a council

member may represent themselves, a client or any other member of the public at a hearing; provided, that the council member:

- a. Abstains from the vote on the matter;
- b. Removes themselves from the council area and joins the audience; and
- c. Makes full disclosure of their status and position at the time of addressing the council.

C. During public hearings, public testimony may be limited to three minutes for each witness, other than the proponent and appellant.

D. Preservation of Order. The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of council member's motives, and confine council member debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive, or disruptive may be removed from the meeting. The presiding officer may summon the assistance of the police or other administrative staff to assist in maintaining order, and if an arrest of a person(s) is deemed necessary by the presiding officer to restore or maintain order, the presiding officer may sign a complaint or citation on behalf of the city. [Ord. 860 § 1 (Exh. A), 2022; Ord. 666, 1998; Ord. 557 § 4, 1988.]

2.10.050 Committee and representative assignments.

A. At the first regular meeting of each calendar year, or as soon as practicable thereafter, the mayor shall, after consultation with and consent of the members affected, appoint the members of the council to the council's standing committees and evenly assign representative responsibilities to the council members.

B. The standing committees for the council shall be:

1. Public works;
2. Finance and administration;
3. Ordinance;
4. Police.

C. Standing committee appointments and representative assignments shall be for at least one year. A member may, with the consent of the mayor, have their assignment changed. If a member of the council is temporarily unable to fulfill committee responsibilities, the mayor

may appoint another council person to fill the assignment pro tem, until the council member is able to resume the assignment.

D. If a vacancy occurs on the council, the outgoing member's standing committee and representative duties shall pass to their replacement. During the period in which a new council member has not yet been elected or appointed, the mayor may assign additional committee and representative responsibilities to the remaining council members.

E. The standing committees of the council shall choose a chairperson from among their members and organize themselves as they see fit.

F. In addition to the above, the mayor or majority of the council may appoint temporary special committees as deemed necessary. [Ord. 860 § 1 (Exh. A), 2022; Ord. 557 § 5, 1988.]

2.10.060 Committees, commissions and boards of the city.

A. Unless otherwise provided for by ordinance, the committees, commissions and boards of the city, other than the committees of the council and special committees, may be established and their members appointed by the majority vote of the council.

B. Appointees to the city's committees, commissions and boards shall serve for a term not to exceed four years and shall serve no more than two consecutive terms, unless provided otherwise in the ordinance establishing the commission or board. In the event that there is an insufficient number of eligible applicants available to appoint to an advisory body, the council may waive prior length of service as a consideration for a particular appointment.

C. Unless otherwise governed by a specific chapter in this title, committees, commissions and boards so established by the council shall choose a chairperson from among their members and shall organize themselves as they see fit. [Ord. 860 § 1 (Exh. A), 2022; Ord. 732, 2005; Ord. 557 § 6, 1988.]

2.10.070 Procedural matters.

Repealed by Ord. 860. [Ord. 666, 1998; Ord 557 § 7, 1988.]

2.10.080 Strategic plan.

A. Adding Items. There are two ways for a council member to add an item to the strategic plan:

1. During a scheduled strategic planning work session, the city councilors or mayor may choose by consensus to add items to the strategic plan.
2. The city council, through consensus or a motion passed by the majority of the council, may add a suggested council priority to the strategic plan at any time. [Ord. 860 § 1 (Exh. A), 2022.]

Chapter 2.50 RULES OF THE COUNCIL

Sections:

- 2.50.010 Requirement to adopt.**
- 2.50.020 Council authority.**
- 2.50.030 Meetings.**
- 2.50.040 Calling a meeting.**
- 2.50.050 Cancellation of a meeting.**
- 2.50.060 Public meeting laws.**
- 2.50.070 Conduct of meetings.**
- 2.50.080 Quorum.**
- 2.50.090 Attendance, excused absences.**
- 2.50.100 Rules of order.**
- 2.50.110 Minutes of a council meeting.**
- 2.50.120 Agenda.**
- 2.50.130 Order of business.**
- 2.50.140 Public comment.**
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- 2.50.160 Consent agenda.**
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- 2.50.190 Mayor's duties.**
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2.50.240 Censure.

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2.50.260 Flags, signs and posters.

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2.50.300 Suspension of rules.

2.50.310 Appointments.

2.50.320 Liaison assignments.

2.50.330 Committees.

2.50.340 Expenses reimbursed.

2.50.010 Requirement to adopt.

The Veneta City Charter requires the city council to adopt rules of the council by ordinance to govern its meetings and proceedings. These rules will decide questions and give direction on meetings, conduct, agendas, and other matters. (Ord. 568 § 1 (Exh. A), 2022)

2.50.020 Council authority.

The council has the right to require persons attending or participating in any meeting of the council or addressing the council to conform to or abide by the rules of the council and directions of the mayor or presiding officer. (Ord. 568 § 1 (Exh. A), 2022)

2.50.030 Meetings.

All meetings of the Veneta city council will be open to the public with the exception of executive sessions. All meetings will be held in a location and manner that is accessible to the public and allows members of the public to attend remotely, in accordance with the Oregon Public Meeting Laws. All meetings will be noticed in accordance with the Oregon Public Meeting Laws. The types of meetings are:

(1) Regular Meetings. The council shall meet in regular session on the second Monday of each month at the city of Veneta City Hall, located at 88184 8th St., Veneta, Oregon, or such other specified location within the city of Veneta beginning at 6:30 p.m. In the event that the regular session is scheduled for a holiday, the meeting day, time and place shall be determined by the mayor.

(2) Work Sessions. Meetings may be held as work sessions of the council to give the council members an opportunity to discuss issues in an informal setting. Motions shall not be made at a work session. Decisions on items considered at a work session must be made at a regular council meeting; however, general direction or consensus is allowable.

(3) Special Meetings. Special meetings of the council shall be held when called by the mayor or in the absence of the mayor, the council president, or when two council members request a special meeting. Notice of special meetings shall include the subject, time, and place of the meeting and be given to all council members. Public notice of special meetings shall be given to the press and interested persons and posted at Veneta City Hall at least 24 hours prior to the meeting.

(4) Emergency Meetings. An emergency meeting of the council may be called with less than 24 hours' notice pursuant to Oregon Public Meeting Laws. The meeting notice and minutes of the meeting must identify the specific emergency and explain why it justifies less than 24 hours' notice. Only business directly associated with the actual emergency will be discussed and/or acted upon during the meeting.

(5) Executive Sessions. Executive sessions may be held during regular, special, emergency or work session meetings if the executive session complies with all applicable provisions of the Oregon Public Meeting Laws. The council shall not vote, take any other final action, nor make any final decision while in executive session, although the council may reach a consensus in executive session which must be confirmed by a formal vote taken in open session. The mayor and councilors are expected to maintain the confidentiality of the information discussed in an executive session. (Ord. 568 § 1 (Exh. A), 2022)

2.50.040 Calling a meeting.

A special or emergency meeting of the council may be called by the mayor, or in the mayor's absence, by the council president or two councilors. A member of the council desiring to call a special or emergency meeting shall first contact the mayor or, in the mayor's absence, the council president. The mayor or council president will contact the city administrator, who will contact other members of the council, determine if a quorum is available, and determine whether all applicable Oregon Public Meeting Law requirements are met. The city administrator may schedule a work session, special or emergency meeting if they determine that such a meeting is needed to carry out council business. Future work, special or emergency meetings may also be set by the council at a work, regular, special or emergency meeting. (Ord. 568 § 1 (Exh. A), 2022)

2.50.050 Cancellation of a meeting.

The mayor, upon the recommendation of the city administrator, may cancel a meeting. Council members will be notified of the cancellation prior to notice being given to the public. Notice of cancellation will be given at least 72 hours prior to the scheduled meeting, if possible. (Ord. 568 § 1 (Exh. A), 2022)

2.50.060 Public meeting laws.

The council concurs that an informed public, aware of the deliberations and decisions of the city of Veneta, is beneficial to the community. In recognition of this policy, the council shall comply with the Oregon Public Meeting Laws, ORS 192.610 to 192.690. (Ord. 568 § 1 (Exh. A), 2022)

2.50.070 Conduct of meetings.

The presiding officer shall conduct meetings in accordance with the rules of the council and the Charter of the city of Veneta. (Ord. 568 § 1 (Exh. A), 2022)

2.50.080 Quorum.

Three members of the council shall constitute a quorum. If a quorum is not present, the city administrator shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required. If the absent member or members do not appear after the notice, the members may consider nonaction items as they see fit. The mayor may schedule a new meeting with a specified date, time, and location, or may notify council it will meet at its next regularly scheduled meeting. (Ord. 568 § 1 (Exh. A), 2022)

2.50.090 Attendance, excused absences.

Members of the council may be excused from attending a city council meeting by contacting the mayor prior to the meeting and stating the reason for their inability to attend. If the member is unable to contact the Mayor, the member shall contact the city administrator or city recorder, who shall convey the message to the mayor. Absent councilors who do not follow the above process will be considered unexcused, which shall be so noted in the minutes. (Ord. 568 § 1 (Exh. A), 2022)

2.50.100 Rules of order.

The council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. The following rules of order should be liberally construed to that end. Council members should avoid invoking the fine points of parliamentary procedure when such points serve only to obscure the issues before the council and/or confuse the audience at public meetings and citizens in general.

(1) Presiding Officer. The mayor or in the mayor's absence, the council president, shall serve as the presiding officer. The presiding officer shall preserve decorum and decide all points of order, subject to appeal by the council.

(2) Pro-Tem Presiding Officer. In the event of the absence of the mayor and the council president, the remaining members shall call the meeting to order and call the roll of the members. If a quorum is present, those councilors present shall elect, by majority vote, a pro-tem presiding officer for that meeting. Should the mayor or council president arrive, the pro-tem officer shall relinquish the chair immediately upon the conclusion of the item of business then under consideration before the council.

(3) Council Discussion/Debate. Every councilor desiring to speak shall first address the presiding officer, and await recognition to obtain the floor. No persons other than members of the council and the person having the floor shall enter into any discussion, either directly or through a member of the council without the permission of the presiding officer.

No councilor shall address the presiding officer or demand the floor while a vote is being taken.

Councilors should limit their remarks on a subject to five minutes unless granted additional time by the majority of the council. Members of the council should refrain from speaking more than once upon any subject until other members of the council have had a chance to speak to the

topic. After all councilors have had their opportunity to speak, the presiding officer will entertain council action as necessary.

Councilors desiring to question administrative staff shall address questions to the city administrator or the author of the agenda item summary, who shall either answer the inquiry or designate a staff member to do so.

A councilor, once recognized by the presiding officer, shall not be interrupted while speaking, unless called in order by the presiding officer or a point of order is raised by any member of the council while they are speaking. In this case, the speaker shall immediately cease speaking until the point is determined. If the presiding officer rules that the speaker is in order, the speaker shall be permitted to proceed speaking; if ruled to be out of order, the speaker shall remain silent or shall alter their remarks to comply with the ruling.

All members shall accord the utmost courtesy to each other, staff and the public and refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Members shall confine their questions to the particular matters before the assembly and, in debate, shall confine their remarks to the issue before the council.

Members shall be removed from the meeting for failure to comply with the decisions of the presiding officer and/or for continued violations of the rules of the council. If the presiding officer fails to act, any member may move to require the presiding officer to enforce the rules and the affirmative vote of a majority of the council shall require the presiding officer to act.

All members of the council shall give undivided attention to the discussions and business of the council during council meetings. Members shall refrain from personal conversations or correspondence with other members of the council, staff or public.

(4) Right to Appeal. Any councilor may appeal a ruling of the presiding officer to the council. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly explain the ruling; but there shall be no debate on the appeal and no other question than, "shall the decision of the presiding officer stand as the decision of the council?" If the majority of the members vote aye, the ruling of the presiding officer is sustained; otherwise, it is overruled.

(5) Excusal During the Meeting. No councilor may leave the council meeting while in regular session without permission from the presiding officer. (Ord. 568 § 1 (Exh. A), 2022)

2.50.110 Minutes of a council meeting.

Written minutes shall be taken for all meetings of the council, except executive sessions for which minutes may be kept in the form of audio recordings. No transcript of executive session minutes shall be made unless otherwise required by law. The written minutes of the council meetings need not be verbatim transcripts, but shall give a true reflection of the matters discussed at the meeting and the views of those participating in the discussions. (Ord. 568 § 1 (Exh. A), 2022)

2.50.120 Agenda.

The city administrator or designee shall prepare an agenda, approved by the mayor, of the business to be presented at council meetings. No item of business shall be added to the agenda of a regular council meeting after 5:00 p.m. on the Thursday of the week preceding the council meeting.

For all other meetings, no agenda item can be added after public notice of the meeting has been given. The council shall consider at the regular meeting only matters that appear on the agenda for that meeting or are introduced by the mayor or a council member. The mayor and members of the council shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda. Items that meet the deadline may be placed on the agenda by any of the following methods:

- (1) A majority vote of the council;
- (2) Consensus of the council;
- (3) By any councilor in a request to the city administrator (the agenda item will identify the councilor who requested the item to be placed on the agenda); or
- (4) By the city administrator or city attorney. (Ord. 568 § 1 (Exh. A), 2022)

2.50.130 Order of business.

(1) The order of business at regular meetings, as needed, shall be as follows:

- (a) Call to order;
- (b) Public comment. Maximum time 20 minutes; speakers will be limited to three minutes and may not yield their time to other speakers;
- (c) Public hearings;
- (d) Consent agenda;
- (e) Council business and reports from committee liaisons;
- (f) Staff reports:
 - (i) Nondirector staff,
 - (ii) Community services director,
 - (iii) Finance director,
 - (iv) Public works director,
 - (v) City administrator;
- (g) Other;
- (h) Executive session;

(i) Action from executive session;

(j) Adjourn.

(2) Time Estimates. To assist in the timely accomplishment of the council meetings, an estimate of the time that each agenda item could take will be shown on the agenda.

(3) Modifications. The council may modify the order of business at any meeting as is deemed appropriate by the council for the efficient administration of its business. (Ord. 568 § 1 (Exh. A), 2022)

2.50.140 Public comment.

There will be a period of time, not to exceed 20 minutes, near the beginning of each regular meeting for questions or statements on items of concern. Such comment is allowed whether or not items appear on the agenda, unless the item has a separate public comment time. This time is not for additional comments or repetitive comments on issues addressed in prior meetings. Comments shall be limited to three minutes or less per person. The presiding officer shall have discretion to adjust time limits as needed.

Public comment will follow a set procedure established by the city recorder. This procedure will allow for a proper record of comment to be maintained and will explicitly ensure that members of the public may submit oral or written testimony remotely. (Ord. 568 § 1 (Exh. A), 2022)

2.50.150 Public hearings.

The council may hold public hearings as part of any meeting when it desires to obtain testimony from the public on any question before the council.

Prior to each public hearing, the presiding officer shall announce the nature of the matter to be heard and then ask for the staff report. After the staff report, the presiding officer will declare the hearing to be open and invite any member of the audience to come forward to be heard. If appropriate, the presiding officer may first ask those persons in favor of the stated matter to come forward, followed by those speaking in opposition. The presiding officer may limit the total time of the public hearing and/or the time each speaker may speak at the public hearing. No limit on the total time of the public hearing will be imposed for quasi-judicial public hearings; but the presiding officer may limit the time each speaker may speak. The presiding officer shall announce all such restrictions prior to the commencement of the hearing. If appropriate, council may adopt findings and take final action based on those findings immediately following the hearing. (Ord. 568 § 1 (Exh. A), 2022)

2.50.160 Consent agenda.

In order to make more efficient use of meeting time, requests of minutes approval, bills and other items which are routine in nature and for which no debate is expected, shall be placed on a "consent agenda." Any item placed on the consent agenda shall be removed at the request of the mayor or a council member prior to the time a vote is taken on the consent agenda items. All remaining items on the consent agenda shall be disposed of in a single motion "to adopt the consent agenda" which shall not be debatable. Adoption of the consent agenda shall be by a roll call vote of all council members present. If there are dissenting votes, each item on the consent

agenda shall be voted upon separately by a roll call vote. Items removed shall be considered separately. (Ord. 568 § 1 (Exh. A), 2022)

2.50.170 Ordinance adoption.

Ordinances shall be adopted using the following procedures:

(1) First Meeting. After any required or requested public hearings, the council may consider an ordinance for its first reading. The presiding officer will ask if any member of the council would like to have the ordinance read in full. Unless requested, the ordinance may be read by title only.

The motion for first reading will indicate that it is the first reading, the ordinance number, title, and if the ordinance will be read by title only. Once seconded, the motion will be voted on using a roll call vote.

Prior to the first reading of a land use ordinance, the council will adopt a written findings report related to the ordinance.

(2) Second Meeting. At a meeting on a date following an ordinance's first reading, the council may consider an ordinance for its second reading. The presiding officer will ask if any member of the council would like to have the ordinance read in full. Unless requested, the ordinance may be read by title only.

The motion for second reading will indicate that it is the second reading, the ordinance number, title, and if the ordinance will be read by title only. Once seconded, the motion will be voted on using a roll call vote.

Once an ordinance has passed its second reading, the council may immediately consider the ordinance for adoption. The motion to adopt will indicate the ordinance number and title. Once seconded, the motion will be voted on using a roll call vote.

(3) Other Considerations. If an actual emergency exists, the council may choose to adopt an ordinance as an emergency ordinance. The emergency ordinance shall include a clause indicating as such. Emergency ordinances may take effect as soon as they are adopted.

Nonemergency ordinances take effect on the thirtieth day following council adoption.

An ordinance may be introduced, read twice, and adopted in one meeting if a unanimous roll call vote requesting such process succeeds. The first reading of such an ordinance must be in full, the second by title only. All other aspects of the procedure outlined above must still be followed, including roll call votes.

Ordinances may be amended between the first reading and adoption. However, those changes must be fully read into the record prior to a second reading and adoption. (Ord. 568 § 1 (Exh. A), 2022)

2.50.180 Ordinance recording.

All ordinances passed by the council shall be signed by the mayor and the recorder and kept in a book for that purpose. (Ord. 568 § 1 (Exh. A), 2022)

2.50.190 Mayor's duties.

In addition to the duties outlined in City Charter Sections 19 and 24, the mayor shall have the responsibility to sign all minutes, resolutions, ordinances, and, under the authorization of the council, certain bonds, loans, contracts, and other documents of the city. (Ord. 568 § 1 (Exh. A), 2022)

2.50.200 Duty to vote.

Every councilor who is present will vote for or against the question before the council unless the council excuses that councilor from voting. A councilor may refrain for just legal cause without being excused by the council. Councilors must announce the legal reason or justification for abstaining from voting. Councilors shall not explain their vote during roll call. (Ord. 568 § 1 (Exh. A), 2022)

2.50.210 Conflicts of interest.

In every case in which a councilor is faced with a potential conflict of interest or an actual conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the council member, after disclosing the nature of the conflict, shall remove themselves from the council table and refrain from participation in both the discussion and the vote on the issue.

(1) An "actual conflict of interest" means any councilor action, decision, or recommendation that would grant a private pecuniary benefit or avoid a private pecuniary detriment to the councilor, the councilor's relatives, or any business with which the councilor or councilor's relative is associated. (ORS 244.020(1).)

(2) A "potential conflict of interest" means any councilor action, decision, or recommendation that could grant a private pecuniary benefit or avoid a private pecuniary detriment to the councilor, the councilor's relatives, or any business with which the councilor or councilor's relative is associated. (ORS 244.020(13).)

(3) Councilors shall comply with all applicable provisions of the state of Oregon's Government Ethics Laws, as established in ORS Chapter 244 and incorporated herein by reference. (Ord. 568 § 1 (Exh. A), 2022)

2.50.220 Code of ethics.

(1) Councilor Conduct. Councilors are encouraged to conduct themselves so as to bring credit upon the city as a whole and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate and refrain from actions benefiting any individual or special interest group at the expense of the city as a whole. Councilors should likewise do everything in their power to ensure impartial application of the law to all citizens and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, social station, religion, marital status, familial status, domestic partnership status, sexual orientation, source of income, and disability status.

(2) Representing the City. If the mayor or councilor represents the city before another public body, governmental agency, community organization, or with the media, the mayor or councilor

should always present the majority position of the council. Personal opinions and comments may be expressed only if it includes the clarification that these statements do not represent the position of the city council. Communications of personal opinions or comments should not be accompanied with a statement of the author's status as a member of the council.

(3) Personal Social Media. If the mayor or councilor wishes to use personal social media accounts to present information that is representative of the city, they must always present the majority position of the council. Personal social media includes blogs, Twitter, Facebook and all forms of electronic communications media. If the mayor or councilor wishes to use personal social media accounts as a communication tool for their personal opinions and comments, they must include clarification that the statements do not represent the position of the city council.

(4) City Social Media. The mayor and councilors are not authorized to post to city social media accounts. City social media includes city blogs, Twitter, Facebook and all forms of electronic communications media.

(5) Electronic Communications Policy. The mayor and each councilor must maintain compliance with the city's electronic communications policy. (Ord. 568 § 1 (Exh. A), 2022)

2.50.230 Decorum.

(1) Sergeant-at-Arms. The city recorder or the city administrator's designee shall serve as the sergeant-at-arms. The sergeant-at-arms shall assist the presiding officer, as appropriate, to maintain order and decorum at all meetings. The sergeant-at-arms or appropriate designee shall serve as the virtual meeting monitor in the case of meetings that are conducted or attended remotely.

(2) Remarks During Council Meetings. Except by permission of the presiding officer, a council member shall address any remarks to the council and not to the audience. Upon recognition and permission of the presiding officer, a person in the audience may address the council relative to any matter being considered by the council at that time. Members of city staff desiring to address the council shall first be recognized by the presiding officer and shall address remarks to the presiding officer. The staff may respond to questions or comments by the council or members of the public with permission of the presiding officer and should always do so in a polite, tactful manner. All persons speaking in a council meeting shall address the question under consideration, and shall be courteous to the council, staff and audience.

(3) Failure to Maintain Decorum. Any of the following shall be sufficient cause for the sergeant-at-arms, at the direction of the presiding officer, to cause to be removed any person from the meeting location or virtual meeting platform for the duration of the meeting:

- (a) Failure to refer to city employees, representatives and officials by their proper title.
- (b) Use of unreasonably loud, disruptive or threatening language.
- (c) Making of loud or disruptive noise.
- (d) Engaging in violent or distracting action.

- (e) Willful injury of furnishings or of the interior of the council chambers or meeting hall.
- (f) Refusal to obey the rules of conduct provided within these rules, including the limitations on occupancy and seating capacity.
- (g) Refusal to obey an order of the presiding officer.
- (h) Refusal to comply with any local, state, or federal laws, regulations, or guidance.

Before the sergeant-at-arms is directed to remove any person from the meeting hall or virtual platform for inappropriate conduct, that person shall be given a warning by the presiding officer to cease the conduct.

If a meeting is disrupted by members of the audience, the presiding officer or a majority of the council present may order that the council chambers or other meeting hall or virtual platform be cleared and a recess called until order is restored.

(4) Virtual Meeting Attendance and Participation. Virtual meeting attendees understand that the city's virtual platform monitor may mute or turn off a participant's video at any time for violation of these council rules. In addition to complying with these council rules, virtual meeting participants shall:

- (a) Sign up to attend and to speak during scheduled hearings or specific agenda items in advance on the provided city form;
- (b) Remain on mute during council meeting, except when called upon for public comment;
- (c) Turn off video, unless presenting to the council, at which time participants shall be stationary and will ensure their background and dress is appropriate to address the council;
- (d) Conduct no unlawful activity during virtual attendance; and
- (e) Present all visual presentations to the virtual platform monitor in advance. (Ord. 568 § 1 (Exh. A), 2022)

2.50.240 Censure.

(1) The council has the inherent right to make and enforce its own rules and to ensure the compliance with those laws generally applicable to public bodies. Should any councilor act in any manner constituting a substantial violation of these rules or other general laws, the council, by majority vote, may discipline that councilor to the extent provided by law, including public reprimand.

(2) To exercise such inherent right, the council has the right to investigate the actions of any member of the council. Such investigation shall be referred to the council, either in open meeting or in executive session, to discuss any finding that reasonable grounds exist that a substantial violation has occurred. (Ord. 568 § 1 (Exh. A), 2022)

2.50.250 Seating capacity and safety requirements.

The safe occupancy and seating capacity of the council chambers as determined by the fire marshal and in compliance with all federal and state public health laws, regulations, and guidance shall be posted within the chambers. The limitations on occupancy and seating capacity shall be complied with at all times. Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the council chambers, and shall not pass beyond the restraining barriers unless requested to do so by the presiding officer. (Ord. 568 § 1 (Exh. A), 2022)

2.50.260 Flags, signs and posters.

No flags, posters, placards or signs, unless authorized by the presiding officer, may be carried or placed within the council chambers, any meeting hall in which the council is officially meeting, or any meeting hall in which a public meeting is being held. This restriction shall not apply to armbands, emblems, badges or other articles worn on personal clothing of individuals; provided, that such devices are of such a size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not extend from the body in a manner likely to cause injury to another. (Ord. 568 § 1 (Exh. A), 2022)

2.50.270 News media.

The provisions of these rules shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is not unreasonably disruptive of the meeting. News media representatives will be permitted to attend executive sessions in accordance with the city's news media representative policy. (Ord. 568 § 1 (Exh. A), 2022)

2.50.280 Effect of rules.

These rules shall repeal, rescind and replace all other rules and procedures of the council which may have been formally adopted by resolution or informally adopted by past practice or implied policies. These rules of procedure are adopted for the sole benefit of the members of the city council to assist in the orderly conduct of council business. (Ord. 568 § 1 (Exh. A), 2022)

2.50.290 Failure to follow rules.

Failure to follow the rules of the council in conducting business or failure to abide by the rules of procedure does not invalidate the decisions of the council nor will it be grounds to later challenge the validity of the decision. (Ord. 568 § 1 (Exh. A), 2022)

2.50.300 Suspension of rules.

Any rule prescribed in this chapter may be suspended by the council upon a majority vote of the council members present at a meeting. These rules may be permanently amended at any meeting at which prior notice of the proposed change was provided to each member of the council. A majority of those council members present and voting is needed to effect an amendment or an addition to these rules. (Ord. 568 § 1 (Exh. A), 2022)

2.50.310 Appointments.

The mayor shall appoint one or more council members to serve as the city's representative to committees, boards, or agencies outside the city government in which the city has an interest. Appointments shall be ratified by a consensus of the council. (Ord. 568 § 1 (Exh. A), 2022)

2.50.320 Liaison assignments.

The mayor may appoint council members to serve as liaisons to the Veneta economic development committee, Veneta park board, Veneta-Fern Ridge chamber of commerce, other local government agencies, and other local community organizations. The mayor shall serve as administrative liaison to the city administrator, city engineer, city attorney and other staff on general administrative matters. (Ord. 568 § 1 (Exh. A), 2022)

2.50.330 Committees.

(1) Standing Committees. The council may create standing or ad hoc committees to serve as advisory committees to the council. Standing committees of the city shall include, but not be limited to, the following committees:

- (a) The budget committee, comprised of five council members and five citizen members;
- (b) The business assistance committee comprised of one council member, one council alternate, two citizen members, and a nonvoting economic development committee representative;
- (c) The economic development committee, comprised of eight citizen members and one council member;
- (d) The park board, comprised of nine citizen members; and
- (e) The planning commission, comprised of five citizen members.

(2) Filling Vacancies on Committees. When a vacancy exists on a standing committee, the city recorder shall notify the public that a vacancy exists. Interested individuals may apply for the vacant position by completing and submitting a committee/commission application to the city. The mayor shall propose a person to appoint to the committee and, without objection from council, appoint them to the position applied for.

(3) Student Committee Members. The council shall establish on the park board, as standing positions, no more than two student representatives. These positions shall be appointed by the mayor in the same manner as used to appoint other members of the committees described in subsection (2) of this section. The positions shall have voting rights and appointees shall be current members of the student body of area high schools. (Ord. 568 § 1 (Exh. A), 2022)

2.50.340 Expenses reimbursed.

(1) Mileage. City councilors may be reimbursed for mileage if using their personal vehicle on city business at the effective IRS rate for that year. All persons must submit bills or summaries of mileage to the city administrator prior to reimbursement.

(2) Meals. City councilors may be reimbursed for meals and incidental expenses incurred while conducting city business or attending conferences and trainings in their official capacity. Alcoholic beverages are not reimbursable. Meals may be reimbursed based on the IRS Meals and Incidental Expenses (M&IE) per diem rate for that year.

(3) Property Damage. City councilors may be reimbursed for property damage to vehicles in an amount up to \$200.00 when all of the following conditions are met:

(a) The damage was caused by or incurred during the conduct of city business; and

(b) The city council approved reimbursement of the claim. (Ord. 568 § 1 (Exh. A), 2022)

Rules of Order and Procedure
For the City Council
Of
The City of Hermiston, Oregon

Adopted June 24, 1991
Revised April 13, 1992
Revised April 27, 1992
Revised February 28, 1994
Revised February 24, 2003
Revised December 23, 2013
Revised March 9, 2015
Revised December 12, 2016
Revised May 29, 2018

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RULES OF ORDER AND PROCEDURE FOR HERMISTON CITY COUNCIL MEETINGS

IF THE CONTEXT SO REQUIRES,
MALE GENDER WORDS SHALL BE
TAKEN TO MEAN AND INCLUDE
FEMININE AND MASCULINE.

I. RULES

1. RULES OF ORDER

All meetings of the council shall be conducted in accordance with, and pursuant to, the provisions of Roberts Rules of Order, as revised, which said rules are herewith adopted by reference thereto, except as the same may be specifically varied or changed herein or hereafter.

2. PUBLIC MEETINGS LAW

All council, committee, commission or board meetings shall be held pursuant to the Public Meetings Law of the State of Oregon.

3. SUSPENSION OF RULES

Any provision of these rules not governed by the charter or law may be temporarily suspended at any meeting of the council, by a majority vote of the council. The vote on any such suspension shall be taken by YES and NO and entered upon the record.

II. MEETINGS

4. REGULAR COUNCIL MEETINGS

The city council shall convene in regular session on the second and fourth Mondays of each month. Unless otherwise specified all meetings will be in the council chambers in city hall and shall be called to order at 7:00 p.m. (Amended 2/24/03)

5. QUORUM

Five members of the council shall constitute a quorum. In case a lesser number than a quorum shall convene at a regular or special meeting, the majority of the members present are authorized to send a police officer or other person for any or all absent members, as such majority of members shall agree. In the event a quorum cannot be obtained, the meeting may be adjourned as provided for in Rule 13.

6. SPECIAL MEETINGS

- A. Special meetings may be called by request of two or more council members, or by the mayor upon his own motion. The city recorder shall prepare a notice of the special session stating time, place and object, and this notice shall be delivered to each council member, the mayor and the city manager or left at their usual place or residence or business at least twenty-four hours before the time of the meeting, except in the event of an emergency meeting. It shall also be the duty of the city recorder, immediately upon receipt of written request, to make diligent effort to notify each council member in person, either by telephone or otherwise, of such special session. Only matters set forth in the notice of the meeting shall be discussed at such meeting.
- B. Executive sessions of the city council may be called by the mayor, two council members or the city manager, but shall be confined to subject matters as provided by ORS 192.660, as amended.

7. EXCUSAL DURING MEETING

No member shall leave the council chamber during council meetings without the permission of the presiding officer.

8. SEATING ARRANGEMENT

Members shall occupy seats in the council chambers assigned to them by the mayor, but any two or more members may exchange seats by joining in a written notice to the mayor to that effect.

9. COUNCIL MEETING AGENDA

All reports, communications, ordinances, resolutions, documents, or other matters to come before the council for consideration must be filed with the city manager's office by end of business of the Wednesday before the next regular meeting of the council. The city manager shall furnish a copy of the agenda to each council member, the mayor, and such other persons as required, at least 10 business hours before the council meeting or as far in advance of the meeting as time for preparation will permit. All agenda items filed with the city manager's office for council action shall be arranged according to the order of business, and must be accompanied by an explanation sheet in such form as the city manager shall require. Any items not filed with the manager's office by the time specified shall be placed on the agenda only by a majority vote of the council members present at the council meeting.

10. ORDER OF BUSINESS

The business of all regular meetings of the council shall be transacted in the following order, unless the council by a vote of a majority of the members present shall suspend the rules and change the order (Amended 2/24/03):

CALL MEETING TO ORDER

DECLARATION OF QUORUM

FLAG SALUTE/PLEDGE OF ALLEGIANCE

PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS (IF NEEDED)

CITIZEN INPUT ON NON-AGENDA ITEMS

CONSENT AGENDA – MINUTES, LIQUOR LICENSES, COMMISSION/COMMITTEE APPOINTMENTS ETC.
(ITEMS CAN BE REMOVED BY ANY COUNCILOR OR MAYOR)

ITEMS REMOVED FROM THE CONSENT AGENDA (IF NEEDED)

PUBLIC HEARINGS (IF NEEDED)

RESOLUTIONS AND ORDINANCES (IF NEEDED)

OTHER (CONTRACTS, AGREEMENTS, FINANCIAL REPORT, ETC.)

COMMITTEE/COMMISSION REPORTS

MAYOR'S REPORT

COUNCIL REPORTS

MANAGER'S REPORT

ADJOURNMENT

11. **SPECIAL ORDER**

To make any subject a special order shall require the consent of a majority of the members present.

12. **ADJOURNED SESSIONS**

Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.

III. MINUTES

13. **ATTENDANCE RECORD**

The city recorder shall enter in the minutes of the meeting the names of the council members present.

14. **DISTRIBUTION OF MINUTES**

Prior to each meeting the city recorder shall furnish each council member, the mayor and the city manager with a copy of the minutes of the preceding meeting.

15. **APPROVAL OF MINUTES**

If no objection is made to the minutes of the preceding meeting, the same shall be approved.

IV. PRESIDING OFFICER

16. **CALL TO ORDER**

The mayor, or in his absence, the president of the council, shall take the chair at the hour appointed for the council to meet, and shall immediately call the members to order.

17. **PRESIDENT OF THE COUNCIL**

At its first meeting of each odd-numbered year, the council shall appoint a president from its council members. Except in voting on questions before the council, the president shall function as mayor when the mayor is: (a) absent from the council meeting, or (b) unable to function as mayor.

18. **COUNCIL PRESIDENT PRIVILEGES**

The president of the council may move, second and debate from the chair, subject only to limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a council member by reason of acting as the presiding officer.

19. **TEMPORARY CHAIRMAN**

In case of the absence of the mayor and the president of the council, the city recorder shall call the council to order and take the roll of the members. If a quorum is found to be present, the council shall proceed to elect, by majority vote of those present, a chairman of the meeting, to act either until the mayor or the president of the council appears.

V. ELECTED AND APPOINTED OFFICIALS

20. **COUNCIL MEMBERS**

The mayor and the council members occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion. Such officials shall adhere to Oregon Laws on Government Ethics. After the mayor or council member declares a conflict of interest, that official shall leave the council chambers and not return during any discussion, debate or vote on any such matter. After the conclusions of such discussion, debate or vote, the presiding officer shall advise the official with the conflict of interest so that they may return to the council chambers. However, in those cases where all council members would have an equal conflict of interest, for example where the discussion of residential water rates which are set by the city is taking place, after declaring a potential conflict of interest, each of the council members may participate in the discussion, debate or vote on such issue. If after the mayor or council member declares a conflict of interest that official is uncertain as to whether to leave the council chambers and requests the advice of the council, or if after another member of the council or mayor points out a potential conflict of another official, then the issue of the conflict of interest shall be referred to the council for their decision as to the conflict of interest. A majority vote of the council members present, not including the official whose conflict of interest is being questioned, shall be the final authority as to whether a conflict of interest exists. If the majority of the council members decide that an official has a conflict of interest, then that official shall leave the council chambers during any discussion, debate or vote on any such matter as described above. Council members and the mayor shall refrain from making use of, or discussing outside the council chambers, any special knowledge or information before it is made available to the general public and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as they may be issued in the normal and lawful discharge of the duties of those officers.

21. **CITY MANAGER**

The city manager shall attend all meetings of the council, unless excused by the council; shall keep the council fully advised as to the financial condition and needs of the city; may make recommendations to the council and may take part in discussions of all matters concerning the welfare of the city; and shall have a seat but no vote in the meetings of the council.

22. CITY RECORDER

The city recorder or their designee shall serve as clerk of the council and shall keep minutes of the meetings and perform such other and further duties in the meeting as may be ordered by the mayor, council or city manager.

23. CITY ATTORNEY

The city attorney shall, either in person or by deputy, attend all meetings of the council, unless excused by the city manager. Any council member may at any time call upon the city attorney for an oral or written opinion to decide any question of law, with the approval of the council, but not to decide upon any parliamentary rules; however, the attorney may advise the presiding officer on parliamentary matters.

24. DECORUM AND ORDER

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to council.

- A. During council meetings, council members shall preserve order and decorum and shall neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the council. No member shall address the chair or demand the floor while any vote is being taken. Every council member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine remarks to the question under debate and shall avoid all personalities and indecorous language, and refrain from impugning the motives of any other member's argument or vote. Every council member desiring to question the administrative staff shall address questions to the city manager who shall be entitled either to answer the inquiries or designate some staff member to do so. A council member once recognized shall not be interrupted while speaking unless called to order by the presiding officer unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. A council member called to order while speaking shall immediately cease speaking until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed, or if ruled to be not in order, shall remain silent or shall alter any remarks so as to comply with the rules of the council. All members shall accord the utmost courtesy to each other and refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Members shall confine their questions to the particular matters before the assembly and in debate shall confine their remarks to the issue before the council. Members shall be removed from the meeting for failure to comply with the decisions of the presiding officer and/or for continued violations of the rules of the council. If the presiding officer fails to act, any member may move to require said officer to enforce the rules and the affirmative vote of a majority of the council shall require the presiding officer to act.
- B. Members of the administrative staff and employees of the city shall observe the same rules of procedure and decorum applicable to members of the council. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned, the city manager also shall be responsible for the orderly conduct and decorum of all city employees under his direction and control. The city manager shall take such disciplinary action as may be necessary to ensure that such decorum is preserved at all times by city employees in council meetings. The city manager or any staff member desiring to address the council or members of the public shall be recognized by the chair, shall state their name for the record, and shall limit remarks to the matter under discussion. All remarks and questions addressed to the council shall be addressed to the council as a whole and not to any

individual member thereof. No staff members, other than staff members having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

- C. Public members attending council meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to council members. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the council or while attending the council meeting shall be removed from the room as directed by the presiding officer, and such person shall be barred from further audience before the council and not be permitted to return to the meeting unless permission has been granted by a majority vote of the council members present. The removal shall be effected by whomever the presiding officer designates. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer, who shall direct the removal of such offenders from the room. Aggravated cases shall be prosecuted as provided by ordinance. In case the presiding officer shall fail to act, any member of the council may move to require said officer to act to enforce the rules, and the affirmative vote of the majority of the council shall require the presiding officer to act.
- D. Any public member desiring to address the council shall be recognized by the chair, shall state their name and address in an audible tone for the record, and shall limit remarks to the question under discussion. All remarks and questions shall be addressed to the council as a whole and not to an individual member thereof. All remarks and questions addressed to the administration of the city shall be addressed to the city manager and not to any individual city employee. No person other than council members and the person having the floor shall enter into any discussion either directly or through a council member without permission of the presiding officer.

25. PERMISSION REQUIRED TO ADDRESS COUNCIL

Persons other than council members and city officers shall not be permitted to address council except upon either introduction or invitation by the presiding officer or by the chairman of the appropriate committee.

26. OFFICERS AND EMPLOYEES TO ATTEND

The head of any department, or any officer or employee of the city, when requested by the city manager or the council, shall attend any regular, adjourned or special meeting and confer with the council on all matters relating to the city.

27. RIGHT OF APPEAL

Any council member may appeal to the council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, "shall the decision of the chair be sustained?" If a majority of the members vote YES, the ruling of the chair is sustained; otherwise it is overruled.

28. LIMITATION OF DEBATE

No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes without leave of council.

29. **QUESTION OF PRIVILEGE**

- A. PRIVILEGE OF THE ASSEMBLY. Any member may address the council on a Question of Privilege relating to the organization of the council, comfort of members, conduct of members and employees, punishing members for disorderly conduct, conduct of the news media, heating, lighting or ventilation of the council chambers, or any general disturbance.
- B. PERSONAL PRIVILEGE. Any member may address the council on a Question of Privilege relating to that member's personal comfort, ability to hear or otherwise take part in council proceedings, as well as on discussion which questions that member's integrity, character or motives.

VI. VOTING

30. **VOTING**

Every member present when a question is put shall vote, unless the council shall, for special reason, excuse a member from voting. Application to be excused from voting must be made before the votes are called for. The member having briefly stated the reason for the request, the decision thereon shall be made without debate.

31. **RECORDING OF VOTE**

The roll call vote shall be put by a vocal response FOR the question, and then AGAINST the question. The vote shall be recorded by name unless unanimously.

32. **PERSONAL INTEREST**

No member stopped from voting by personal interest shall remain in the council chambers during the debate and vote on any such matter.

33. **EXPLANATION OF VOTE DURING ROLL CALL**

It shall not be in order for members to explain their vote during the roll call.

34. **TIE VOTE**

In case of a tie vote on any matter before the council, the mayor shall cast the deciding vote.

35. **VOTING ON ORDINANCES OR RESOLUTIONS**

When an ordinance or resolution is voted upon by the council and does not receive a council majority of YES or NO votes said resolution or ordinance shall automatically be reconsidered at the following council meeting, and successive meetings, if necessary, until such time as a majority vote of the council is achieved.

VII. COMMITTEES

36. **GENERALLY**

The City Council may create standing citizen advisory boards, committees or commissions to aid the Council in the conduct of public affairs. The City Council may also create ad hoc citizen committees to accomplish a specific task or project. All standing citizen advisory boards, committees and commissions shall be governed by COH Chapter 32, except that if application of a provision of COH Chapter 32 conflicts with an applicable state statute, the state statute shall prevail. The specific enabling provisions for each standing advisory board, committee and commission are contained in LOC Article 12.51.

37. **APPOINTMENTS BY THE MAYOR OR COUNCIL**

Whenever the mayor or a council member shall, at any meeting, submit an appointment to be made, confirmation of such appointment shall be deferred until the next meeting.

38. **APPOINTMENTS TO MUNICIPAL BOARDS AND COMMISSIONS**

All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. Appointees shall not be full-time employees of the city, shall not be elected officials of the city, shall not be appointed to more than two boards or commissions at a time, and shall not sell to the city or its boards and commissions over which the council has appointive powers and budget control either directly as a prime contractor or supplier, or indirectly as a first-tier subcontractor or supplier. Sales shall be construed to mean sales, services or fees aggregating \$7,500 (*revised 02/28/94*) or more in any one calendar year. Preference for appointees shall be given to city residents.

39. **STANDING COMMITTEES**

The mayor shall appoint all committees, subject to confirmation by the council, except as provided otherwise by state statutes or city ordinances. An appointment to fill a vacancy shall be for the unexpired term. Preference for appointments shall be given to city residents.

40. **TERMS AND VACANCIES**

Terms for standing committees shall be three years, beginning and terminating on established dates unless otherwise designated by law. Positions shall be staggered so as to provide continuity. All standing committee vacancies will be handled the same with term expiration constituting a vacancy. Vacancies will be advertised by position number only. Members of city advisory boards, committees or commissions may request a leave of absence from their positions of up to nine months.

41. **APPLICATION**

All applications for standing committees must be in writing, on a form provided by the City, addressed to the mayor and delivered before the expiration date established by the council. A basic volunteer background check will be performed on all potential committee members and results will be delivered to the selection committee. A selection committee composed of the mayor and two councilors will review the applications and make recommendations to the council. The two councilors serving on the committee may be rotated annually. The selection committee will select members for all openings including temporary ones caused by a leave of absence.

42. **SPECIAL COMMITTEE APPOINTMENTS**

Special committees for particular purposes may be appointed by the presiding officer, subject to confirmation by the council. There shall be at least three members on each special committee, whether composed of council members, public members, or jointly composed. The presiding officer shall designate the member who is to serve as chairman of the committee. Vacancies occurring on any committee shall be filled in a like manner.

43. **MEETINGS**

Special committees shall meet on call of the chairman, or any two members, and shall report to the council without unnecessary delay upon matters referred to them. A majority of the members of a committee shall constitute a quorum.

44. **NOTICE**

It shall be the duty of the chairman of special committees to give notice of the time and place of meetings as required by ordinance or state law.

45. **REPORTS**

When a committee to which a matter has been referred, with instructions to report at a time in the order of reference, is not ready to report at such time, the matter so referred shall, unless further time be granted, be considered as though reported back without recommendation. In such case, the committee shall forthwith return to the city recorder the documents pertaining to the matter, and the matter shall take its proper place in the Order of Business.

46. **REPORTS TO BE IN WRITING**

The reports of committees shall be in writing, agreed to in committee assembled. Copies of the report shall be available to each member of such committee, council members, mayor and the city manager. Documents referred to the committee shall be returned with the report. Nothing in this rule shall be construed to prohibit the introduction of minority reports.

47. **RELIEVING FROM FURTHER CONSIDERATION**

Upon motion, council may by a majority vote relieve a committee of further consideration of a matter referred to it, and order the same placed on the calendar.

48. **POWERS**

No committee shall have the power to employ any person for, or on behalf of, the city, or incur any expense, unless specially authorized by the council. Every committee shall have power and authority to send for persons and papers and examine witnesses under oath, pursuant to the laws of the state, in any matter or proceedings referred to, or before them, and such examination, together with all papers and proceedings, shall be returned to the council.

VIII. MOTIONS

49. **PRECEDENCE OF MOTIONS**

When a question is before the council, no motion shall be entertained, except: (a) to adjourn, (b) recess, (c) appeal a decision from the chair, (d) suspend the rules, (e) object to consideration, (f) to lay on the table, (g) for the previous question, (h) limit debate, (i) to postpone to a set time, (j) to refer to committee, (k) to amend, and (l) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion except motions to postpone to a set time, to refer to committee, or to amend, shall be put to a vote without debate.

50. **MOTIONS TO BE STATED BY CHAIR**

When a motion is made and seconded, it shall be stated by the chair before debate. Any member may demand that it be put in writing

51. **WITHDRAWAL**

A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the council.

52. MOTIONS OUT OF ORDER

The presiding officer may at any time by a majority vote of the members permit a member to introduce an ordinance, resolution, or motion out of the regular order.

53. MOTION TO ADJOURN

A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion, (b) when made as an interruption of a member while speaking, (c) when the previous question has been ordered, and (d) while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

54. MOTION TO LAY ON THE TABLE

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present.

55. THE PREVIOUS QUESTION

When the previous question is moved and seconded by one other member, it shall be put as follows: "Shall the main question now be voted on?"

56. DIVISION OF QUESTION

If the question contains two or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.

57. AMEND: TO STRIKE OUT

On an amendment to "strike out and insert", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out and those to be inserted shall be read, and finally the paragraph as it would stand if so amended shall be read.

58. AMEND AN AMENDMENT

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying, but not changing, the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

59. MOTION TO POSTPONE

All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

60. VOTING ON ORDINANCES AND RESOLUTIONS

On the passage of every ordinance and resolution, the vote shall be taken by YES and NO and entered in full upon the record.

61. RECONSIDERATION

After the decision on any question any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall

require a majority vote of the council. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

62. DISSENTS AND PROTESTS

Any member shall have the right to express dissent from or protest against any ordinance or resolution of council and have the reason therefor entered in the minutes. Such dissent or protest must be filed in writing, couched in respectful language, and presented to council not later than the next regular meeting following the date of passage of the ordinance.

IX. MISCELLANEOUS

63. ANONYMOUS COMMUNICATIONS

Unsigned communications shall not be introduced in council meetings.

64. PROCEDURE FOR FILLING COUNCIL VACANCIES

Upon receipt of a resignation of a council member, the council will:

- A. Accept the resignation by motion.
- B. Advertise the vacancy in a local newspaper for two weeks stating that the city council is accepting applications for the position and establishing a deadline for applying.
- C. The mayor will appoint a council committee, approved by the council, to review applications.
- D. The committee will recommend an individual from the applications to fill the vacancy.
- E. The council will approve the recommendation.
- F. The oath of office will be administered at the next regular council meetings.

65. COMPLAINTS

The procedure for complaints shall be:

- A. All complaints involving municipal policies shall be referred to the city council for appropriate action, and except in the most unusual cases, such action shall be preceded by report and recommendation of the city manager who shall have been given ample time and opportunity in which to investigate and to render a report.
- B. All complaints involving charges of unfair hearings or improper hearings or inadequate hearings before advisory boards and commissions shall be processed in the manner provided by state statute.
- C. All complaints with respect to the management of the city shall be referred to the city manager for the necessary or appropriate action in each individual case. In the case of those complaints involving the management of the city wherein the council desires further information, the city manager, when so requested by a majority of the council, shall be given adequate time in which to make the necessary investigation and report.

66. AMENDMENT TO RULES OR ORDER AND PROCEDURE

These rules may be amended or new rules adopted by a majority vote of the council (Amended 02/24/03)

67. PRESCENCE AT THE POLICE DEPARTMENT

- A. Neither the Mayor or any member of the City Council shall be present at the Hermiston Police Department or in a patrol vehicle with any police officer unless at least one of the following two conditions is met:
 - a. The Police Chief or a Police Lieutenant (now Captain) is present and accompanies the Mayor or member of the City Council while said official is at the Department or in a patrol vehicle with any officer; or,
 - b. The Mayor or member of the City Council is accompanied by at least one of their fellow elected officials while said official is at the Department or in a patrol vehicle with any officer.
- B. The following shall be the only exceptions to this policy:
 - a. The Mayor or any member of the City Council is present at the Police Department on a matter of personal business with the Department, in which case the Mayor or member of the City Council shall present him or herself at the front counter area and conduct the matter of business in a timely manner with appropriate duty personnel;
 - b. The Mayor or any member of the City Council is present at the Police Department on business for her or his employer;
 - c. The Mayor or any member of the City Council is present at the Police Department for the purpose of performing a volunteer service for the Department, which service shall have the prior written acknowledgment of the City Manager; and,
 - d. The Mayor or any member of the City Council is participating in the police "ride-along" program, which participation shall be limited to not more than one time per quarter per member in any calendar year.

X. DUTIES OF THE COUNCIL MEMBER

68. COUNCIL DUTIES

The basic function of the city council is that of establishing policy for the operation of the city. This means that the council is responsible for determining what is to be done, while the problem of how it is to be done is primarily that of the city manager.

Decisions in the establishing of policy for city government may be derived at by following these four steps:

- A. **WHAT IS NEEDED?** Sources of this information may come from the council member's own observations, from individual citizen requests, citizen group requests, or from the recommendations of the city manager.
- B. **WHAT IS THE WILL OF THE PEOPLE?** Much of what the public wants may be learned by careful listening to comments of individuals, representatives of interested groups, and from the council members' own reactions.
- C. **WHAT CAN BE DONE?** A council member's moral obligation to the public is to render decisions that are practical and economically feasible. The back-ground experience of the city manager, his staff, and technical experts should be considered carefully.
- D. **TAKE ACTION.** After determining the best policy, put your decisions to work by adopting, defeating, or modifying ordinances or resolutions..

Policy and its administration cannot always be clearly defined, thus the council and the city manager must work together as a closely knit team.

Inasmuch as the city council selects and hires the city manager, it is its responsibility to see that the manager has a chance to administer policy properly and to evaluate his administrative accomplishments.

A council member shall not give, or cause to be given, any direct order to the city manager or his subordinates. Such directives shall come only from the council as a whole.

A council member shall not interfere in the administration of departments or exercise individual authority in any operation under the city manager.

A council member shall not take up the cause for an applicant for an appointive office and shall direct an aspirant to take his cause directly to the city manager on his own merits and not those of the council member.

A council member, when wishing to bring up a citizen complaint, shall first advise the city manager in time to have it put on the agenda for the next regular meeting of the council, thereby giving the city manager time to gather together pertinent facts concerning the complaint or observation and/or solve the problem.

A council member, when approached with a complaint or criticism, shall refer said complaint or criticism to the city manager telling the complainant that the city manager is better informed on that subject and can give an answer or solution to the problem. Also, the council member should bring the complaint to the attention of the city manager for follow up.

No decision should be made by council, on any matter, until the city manager has had time to delve into it and give his opinion. Any new business brought up in the meeting, except an emergency measure, should be tabled until the next meeting to give the city manager and council time to ponder its effect.

The council shall try to keep pace with the sentiments of the public by investigating sources of dissatisfaction and discontent.

Council shall listen to criticism with interest and concern for the problem presented.

XI. DUTIES OF THE MAYOR OR PRESIDING OFFICER

69. MAYOR/PRESIDING OFFICER DUTIES

The mayor or the presiding officer shall conduct the council meetings and exercise his authority as to the rules of order and conduct.

The mayor shall act as spokesman for the council and release for publication all council decisions, information of policy matters, information on controversial matters and general publicity releases.

The mayor, or his delegate, shall take care of all welcoming of distinguished visitors, opening of conventions, laying of corner stones, and other public relations work of that nature.

The mayor shall bear in mind at all times that he is the first citizen in the minds of the public and should conduct himself in such a manner as to bring only credit to himself and his office.