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CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: 01/25/2021

FINAL ACTION: WORK SESSION

CITY COUNCIL STAFF MEMORANDUM

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Anna Ruggles, City Recorder*
Jesse VanderZanden, City Manager

MEETING DATE: *January 25, 2021*

SUBJECT TITLE: *Council Rules Work Session*

ACTION REQUESTED:

☐ Ordinance

☐ Order

☐ Resolution

☐ Motion

☒ X

☐ Informational

X all that apply

BACKGROUND:

The City Council held a mini-retreat on September 11, 2020, to discuss Council Rule changes regarding the roles and responsibilities of elected officials, council communications, statements to the media, use of title and letterhead, ethics, decorum, censure, interactions with city staff and city attorney, serial communications, and public meetings law.

The Council reached consensus on September 11 to incorporate the Team Agreement and City Council Orientation into the Council rules where appropriate. They also reached consensus to use the 2017 League of Oregon Cities (LOC) "Model Rules of Council Procedure" (Model) as a basis for Council Rule revisions.

The Council held a work session on October 12 and reached consensus to incorporate an introduction and a meeting end time into the Council Rules. These items were amended into the Council Rules by resolution on November 9.

The Council held work sessions on November 23, 2020, and January 11, 2021. Council reached consensus to incorporate proposed Council Rule Sections 5.1, 5.2, 5.5, and 5.6; pertaining to decorum and order, ethics, and statements to the media and other organizations.

PURPOSE OF WORK SESSION:

Tonight's work session continues this effort and focuses on provisions associated with censure, serial communications, public comment, presentations, public testimony, and interactions with staff and the City Attorney. After these items are complete, discussion will continue on the roles and responsibilities of public officials including councilmembers, President, and Mayor.

To enable a review of the proposed changes, the following template is provided:

- Regular text indicates existing Council Rule language.
- **Bold** text indicates proposed new Council Rule language based on the LOC Model.
- ~~Strikethrough~~ indicates proposed deleted existing Council Rule language.
- **Red** text indicates provisions from the Team Agreement.
- **Blue** text indicates past practice guidelines from the City Council Orientation.
- **Purple** text indicates new text proposed by staff.

DISCUSSION ITEM #1:

Currently there are no censure provisions in the Council Rules. The language below is taken from the LOC Model Rules.

5.7 Censure

A. The council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a councilmember violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member with a public reprimand.

B. The council may investigate the actions of any councilmember and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

DISCUSSION ITEM #2:

The Council discussed the definition of serial communications on November 23 and requested staff return with draft rule language. The proposed language below was drafted by the City Attorney and derived from Oregon Revised Statute 192 as well as subsequent court cases. Staff proposes it be included in Section 3 of the Council Rules which pertain to Council Meetings.

3.8 Meetings Open to the Public and Serial Communications

A. All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192. **A quorum of the Council is prohibited from meeting in private to make decisions or deliberate on matters of city business that fall within the scope of the Council's jurisdiction. This prohibition includes in-person meetings where a quorum exists as well as serial communications that may occur over email, text message, social media, and through conduits such as staff.**

B. One-on-one or small group (non-quorum) conversations or communications regarding city business are generally permitted as long as the views or thoughts of a quorum of the Council are not shared during those conversations. As a result, councilmembers should share only their personal views on city business being discussed in one-on-one or non-quorum conversations and not discuss the views or opinions of other councilmembers who are not involved in the discussion.

C. Councilmembers should avoid “replying all” to informational emails sent to the entire council or a quorum of councilmembers regarding city business that occur outside of a Council meeting. Although one-way information sharing on administrative items (i.e., agenda topics and meeting availability) is permissible outside of a Council meeting, councilmembers should avoid back and forth conversations between a quorum of members via email.

D. Councilmembers should be cognizant that a “serial” meeting can occur through the use of social media if a quorum of the council engages in discussions regarding city business on a social media platform. As a result, Councilmembers should be careful not to comment or engage in a social media conversation regarding city business that other members of the Council have already participated in.

DISCUSSION ITEM #3:

Councilmembers have asked if the public could comment on items on the agenda but not scheduled for a public hearing during citizen communications. Currently the agenda only allows for citizen communications for items not on the agenda. The LOC Model addresses this issue by allowing citizen communications on items on the agenda but not scheduled for a public hearing. Additionally, because Section 6 and Section 7 of the Council Rules are redundant, staff recommends these sections be combined for ease of reference.

6.4.2 CITIZEN COMMUNICATIONS

- A. Anyone wishing to speak to the Council on an item not on the agenda **or on the agenda but not scheduled for a public hearing** may be heard at this time. In the interest of time, comments will be limited to two (2) minutes, unless additional time is granted by the Presiding Officer. The City Recorder shall post in the foyer before the start of a meeting a Citizen Communications form (sign-in sheet).
- B. **Citizen Communications shall not exceed thirty (30) minutes, unless a majority of councilmembers present vote to extend the time. Persons wishing to speak during citizen communications must sign the sign-in sheet with the person’s name and address and the topic upon which the person wishes to speak. If a member of the public wishes to speak on an item that is scheduled for a public hearing at the same meeting, the speaker shall wait until that public hearing.**

- C. **Generally, speakers will be called upon in the order in which they signed the sign-in sheet. Speakers shall identify themselves by their names and by their place of residence.**
- D. **Councilors may, after obtaining the floor, ask questions of speakers during citizen communications. Councilors shall use restraint when exercising this option and shall attempt to limit their questioning to no more than two (2) minutes.**
- E. **Speakers may play electronic audio or visual material during the time permitted for their comment and if using city provided audio or visual, must provide the materials in a readable format to city staff prior to the meeting to avoid delay or disruption of the meeting.**

Staff recommends moving the following from Section 7 to Section 6. These sections are not proposed to change but are provided for context.

- F. **(move from Section 7.2 to 6.4.2)** Persons Sharing Common Concerns – If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the time set aside for Citizen Communications, the group may select a spokesperson, which may present the views of the group to the Council to a maximum of five (5) minutes, unless additional time is granted by the Presiding Officer. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letters, videotapes, etc., shall be presented to the City Recorder at the conclusion of the spokesperson's remarks.
- G. **(move from Section 7.4 to Section 6.4.2)** Complaints and Suggestions to the Council - When any citizen brings a complaint before or makes a suggestion to the Council, other than for items on the current meeting agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:
 - (1) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, City Manager, or an advisory body for study and recommendation.
 - (2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer shall refer the complaint directly to the City Manager for review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when the review has been completed.

If the above changes are made, to avoid redundancy in the Council Rules, staff recommends Council delete the following language from Section 7:

~~7.1 Public Comment Generally — Any member of the general public wishing to address the Council on an issue not on the agenda may do so at the time set aside for Citizen Communications during each regular session of the Council. Any member so addressing the Council shall be limited to a period of two (2) minutes, unless additional time is granted by the Presiding Officer.~~

~~7.3 Roster — All persons or groups wishing to address the Council during the time set aside for Citizen Communications shall, prior to the convening of the meeting, sign in on the Citizen Communications Form posted in the foyer, indicating the name of the person, address of the person, and subject matter on which the person or groups wishes to address the Council. Those who have not signed in may address the Council at the discretion of the Presiding Officer.~~

In keeping with past practice, the current agenda, and in an effort to clarify expectations for councilmembers, staff, and presenters, and, in tandem with the above change to allow public comment on items on the agenda but not scheduled for a public hearing during citizen communications, staff recommends Council consider amending Section 6.4.5 to read:

6.4.5 PRESENTATIONS – This is a time set aside for citizen and community groups, **boards, commissions, elected officials, and staff** presentations to the Council. Each speaker and staff presentation will be limited to ~~five (5)~~ **ten (10) minutes**, unless additional time is granted by the Presiding Officer. **Presenters must submit their materials to the City Recorder at least one week prior to the regularly scheduled meeting.**

If the above changes are made, to avoid redundancy in the Council Rules, staff recommends Council delete the following language:

~~**6.4.7 STAFF PRESENTATIONS** — Time provided for staff members to present items requiring no formal action, Council direction, or Council consensus.~~

Lastly, there has been discussion about the purpose of Council Communications. The City's Council Rules are unique in that this is a separate section on the agenda. The LOC Model Rules have elected officials "reports" during the same time as boards and commissions reports and limit those reports to only when necessary. In keeping with past practice and the current agenda, staff recommends Council consider the following changes:

6.4.9 COUNCIL COMMUNICATIONS – Time provided for Councilmembers to report matters of interest to the Mayor and other Councilmembers. **This generally includes, but is not limited to, councilmember liaison reports from Boards and Commissions.**

DISCUSSION ITEM #4:

The Council Rules are largely silent on interactions with the city staff and the city attorney. The section below is verbatim from the LOC Model and intended to give Council a framework for these interactions.

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CITY COUNCIL RULES OF PROCEDURE 2019

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SECTION 1 – AUTHORITY

1.1 Authority - The City of Forest Grove City Charter, Section 10, provides that the Council shall adopt Council Rules by resolution to govern its meetings and proceedings. The following Council Rules shall be in effect upon their adoption by the Council until they are amended or new Council Rules are adopted. These Council Rules shall be presented to all Councilmembers and within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these Council Rules. The City recorder shall retain the signature copy.

SECTION 2 – GENERAL RULES

2.1 Open Meetings – All City Council meetings will be held in accordance with the Oregon Public Meetings Law (pursuant to ORS 192). No final action by the Council shall have legal effect, unless the motion and the vote by which it is disposed of take place, at a proceeding that is open to the public.

2.2 Quorum – Pursuant to City Charter, Section 12, a majority of the Councilmembers shall constitute a quorum to conduct business, no less than three Councilors may meet and compel attendance of absent members. If a quorum is not present, those in attendance will be recorded, and the Presiding Officer or City Recorder will adjourn the meeting.

2.3 Vote Required – The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when the Charter or Council Rules requires approval by a majority of the Council.

2.4 Rules of Order – *Robert's Rules of Order Newly Revised* shall govern all Council proceedings, unless they conflict with these rules. The City Attorney or City Recorder, in the absence of the City Attorney, shall act as parliamentarian for the Council.

2.5 Suspension of Rules – The vote to suspend the Council Rules (including *Robert's Rules of Order Newly Revised*) requires a majority vote of those members of the Council who are present. If the motion is carried, the rules shall be suspended for that item only.

2.6 Address by Council Members – Any Councilmember desiring to speak to an issue shall address the Presiding Officer and upon recognition, shall confine remarks to the issue under debate. Councilmembers questioning, seeking clarification, or soliciting a recommendation from staff shall direct the concern to the City Manager. The City Manager may respond as requested or redirect the inquiry to a member of the staff.

SECTION 3 – COUNCIL MEETINGS

3.1 Regular Meeting (Charter, Section 11) - The City Council will meet in regular session on the second and fourth Mondays of each month at 7:00 p.m. in the Community Auditorium, 1915 Main Street, or at another place in the City which the Council designates. If such date falls on a City-recognized legal holiday, the meeting shall be held at the usual hour and place on the following day. The Council shall adopt a resolution at the first meeting of each year setting its meeting dates.

3.2 Work Session – The City Council may hold a work session on the first Monday or third Monday of each month at the request of the Presiding Officer at a place in the City which the Presiding Officer designates. Such sessions shall allow the Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject, provided that all discussions thereon shall be informal with no vote or formal action taken. In case of a joint work session, the Presiding Officer shall call the session to order and turn the session over to the appropriate facilitator. If the group has no facilitator, the Presiding Officer may act as facilitator. All work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Councilmembers. Other work sessions may be called at the discretion of the Mayor or at the request of four members of the Council.

3.3 Coffee-Hour Work Session – The City Council may hold a coffee-hour work session on the first Saturday of each month at the request of the Mayor at a place in the City which the Mayor designates, provided that all discussions thereon shall be informal with no vote or formal action taken. Such sessions shall allow the public an opportunity to meet informally with the Mayor and Councilmembers to discuss issues or concerns they may have, and for the purpose of allowing Councilmembers an opportunity to meet informally with the Mayor to discuss issues or concerns they may have.

3.4 Special Meeting – The Mayor, upon own motion may, or at the request of four members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council. At least 24 hours' notice pursuant to ORS 192.640(3) shall be given for the meeting. The notice shall list the subjects anticipated to be considered at the meeting; however, this requirement shall not limit the ability to consider additional subjects pursuant to ORS 192.640(1).

3.5 Emergency Meeting – The Mayor, upon own motion may, and by giving notice thereof to all members of the Council, call an emergency meeting. An emergency meeting of the Council may be called on less than 24 hours' notice provided that an actual emergency exists. The minutes of the meeting must describe the emergency justifying less than 24 hours' notice pursuant to ORS 192.640(3).

Attempts shall be made to contact the media by telephone, fax, or e-mail to provide notice of the emergency meeting.

3.6 Executive Session – Executive sessions shall be held in accordance with ORS 192.660. Matters discussed in executive session shall be exempt from public disclosure pursuant to ORS 192.660. Executive sessions shall be closed to all persons except the City Council; persons reporting to Council on the subject of the executive session; the City Manager, unless directed otherwise by the Council; City staff persons as allowed by the City Council to attend; news media representatives, unless excluded by the Oregon Public Meetings Law (media representatives may be excluded for discussions regarding labor negotiations or if the media or representative is a party to the litigation being discussed); and other persons authorized by the City Council to attend. The term "news media representative" is interpreted by the Oregon Attorney General to include "news gathering representatives", meaning reporters of news gathering media which ordinarily report activities of the public body (39 Op. Att'y Gen. 600 (1979)). An executive session may be held during any regular meeting or any open meeting for which proper notice has been given. Pursuant to ORS 192.660(6), no final action or final decision may be taken during an executive session; however, an opinion or consensus of the Council may be gathered. All final actions or final decisions must be made in a public session.

Prior to opening an executive session, the Presiding Officer shall:

- Announce the ORS Statute authorizing the executive session; and State that *“Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.”*

3.7 Adjourned and Recessed Meeting – The City Council may adjourn or recess any meeting to a later date and time by a majority vote of the Councilmembers present. An adjourned or recessed meeting shall be scheduled no later than the next regular meeting. At least 24 hours' notice shall be given announcing the date and time of the adjourned or recessed meeting.

3.8 Meetings Open to the Public – All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.

3.9 Cancellation of Meeting – Upon a majority vote of the Councilmembers present, a meeting may be canceled when deemed appropriate. Pursuant to City Charter, Section 11, the Council must meet at least once a month. Notice of cancellation shall be posted on the bulletin boards at City Hall, Community Auditorium and Library and shall be posted on the City's website and distributed to

Councilmembers, media representatives, and other interested parties upon written request.

3.10 Notice of Meeting – The City Recorder shall provide:

- Notice of the meeting time;
- Location of the meeting; and
- List the subjects anticipated to be considered at the meeting; however, this requirement shall not limit the ability to consider additional subjects pursuant to ORS 192.640(1).

Notice of a meeting shall be posted at least five (5) days prior to the meeting on the bulletin boards at City Hall, Community Auditorium and Library and shall be posted on the City's website and distributed to Councilmembers, media representatives, and other interested parties upon written request. At least 24 hours' notice shall be given for a special meeting and an adjourned meeting. Attempts shall be made to contact the media by telephone, fax, or e-mail to provide notice of emergency meetings.

3.11 Attendance Duty – It is the duty of each Councilmember to attend all meetings of the Council. The City Charter, Section 31(B)(2), provides that the Councilmember's office will be deemed vacant upon absence from the City for 30 days or from all Council meetings within a 45-day period, without Council consent. Consent will be given for good cause as follows:

- 11) Illness;
- 12) Family obligations;
- 13) Employment requirements;
- 14) Scheduled vacations; or
- 15) Other City-related business

3.12 Excused/Unexcused Absence – When a Councilmember cannot attend a meeting, the member shall notify the City Recorder, who will notify the Mayor or Presiding Officer, prior to the meeting. The Mayor or Presiding Officer will determine if the absence is considered "excused" or "unexcused". If the absence is for good cause and there are no objections from other Councilmembers who are present, the City Recorder shall record the absence in the minutes as excused. If the Councilmembers, upon an affirmative vote of the majority of the Councilmembers present, determine the absence is not for good cause, the City Recorder shall record the absence in the minutes as unexcused. Lack of notification will constitute as an unexcused absence.

3.13 Telephonic Attendance – When a Councilmember is unable to physically attend any meeting, pursuant to Section 3.11, the member may attend by conference telephone with at least 24 hours' advance notice. The City Recorder shall record in the minutes the time the member's call was connected and the time the member's call was disconnected.

SECTION 4 – THE PRESIDING OFFICER

4.1 Mayor – Pursuant to City Charter, Section 8, the Mayor shall preside over and facilitate all Council meetings, preserve order, enforce Council Rules, and determine the order of business pursuant to Council Rules, Section 6. The Mayor is a voting member of the Council and has no veto authority. The Mayor, with the consent of the Council, shall appoint members of boards, commissions, and committees established by ordinance or resolution. The Mayor shall sign all records of Council decisions. The Mayor serves as the political head of the City. In the absence of the Mayor, the Council President shall act as Mayor and serve as the Presiding Officer.

4.2 Council President – Pursuant to City Charter, Section 9, at the first meeting each year, the Council shall elect a Council President from its membership. The Council President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties. In the absence of the Mayor and Council President at a meeting where a quorum is present, the Councilmember with the longest continuous service shall serve as Presiding Officer pro tem until such time the meeting is adjourned.

SECTION 5 – DECORUM AND ORDER

5.1 Presiding Officer – The Presiding Officer shall enforce the Council Rules. In addition, the Presiding Officer has the authority to preserve decorum and shall determine all points of order, subject to the right of any Councilmember to appeal to the Council. The Presiding Officer shall enforce order, prevent attacks on personalities or impugning members' motives, and keep those in debate to the question under discussion.

5.2 Councilors – Councilmembers 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 Presiding Officer, Council Rules, and Council Team Agreement. Councilmembers shall when addressing staff or members of the public, confine themselves to questions or issues that are 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 office. Councilmembers shall not attack the knowledge, skills, abilities, and personalities or impugn City staff members' motives in Council or any City meetings. In Council meetings, Councilmembers may discuss or suggest anything with the City Manager related to City business (pursuant to City Charter, Section 33.I.).

5.3 Staff and Public – 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.

5.4 Removal of Any Person – Any persons making disruptive or threatening remarks or actions during a meeting shall forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the Councilmembers present. The Presiding Officer may summon the assistance of the police or other administrative staff to prevent further interruption by such person by any action necessary, including the removal of that individual. In case the Presiding Officer should fail to act, any Councilmember may obtain the floor and move to require enforcement of this rule; upon an affirmative vote of the majority of the Councilmembers present, the police or administrative staff shall be authorized to remove the person(s) if the Presiding Officer so directed.

SECTION 6 – AGENDA AND ORDER OF BUSINESS

6.1 Agenda Preparation – The City Manager, or designee, shall prepare the final Council Meeting Agenda for each meeting, specifying the time, place, and purpose of the meeting and listing the subjects anticipated to be considered at the meeting. The final agenda and packet shall be delivered to the Council at least (5) days prior to the meeting. The final agenda shall be posted at least five (5) days prior to the meeting on the bulletin boards at City Hall, Community Auditorium and Library and shall be posted on the City's website and shall be distributed to media representatives, and other interested parties upon written request. At least 24 hours' notice shall be given for a special meeting and an adjourned meeting. Attempts shall be made to contact the media by telephone, fax, or e-mail to provide notice of emergency meetings.

6.2 Review of Preliminary Agenda – The City Manager shall meet with the Mayor or Presiding Officer to review all preliminary Council agendas.

6.3 Councilmembers Scheduling Agenda Items:

1. At any meeting of the Council, a Councilmember may request the Council add or delete an item from the final agenda for that night's meeting. A majority of the Councilmembers present at the meeting must approve the request and the request must not require a staff report.
2. If a Councilmember wishes to propose an item for a future agenda, the Councilmember must propose the agenda item at a Council meeting and it must be approved by a majority of the Councilmembers present at the meeting before being placed on the final agenda for the next Council meeting or an agreed upon future Council meeting.

6.4 Order of Business – The order of business at regular meetings of the City Council shall be as follows:

1. **CALL TO ORDER** – The Presiding Officer shall call the meeting to order.

- **Roll Call.** The City Recorder shall call the name of each Councilor and note each Councilor's attendance or absence in the record, under the guidelines as set forth in Section 2.2 and Section 3.12, to establish if a quorum is present to conduct business.
- **Pledge of Allegiance.** The Presiding Officer shall lead the Council and audience in the Pledge of Allegiance.
- **Proclamations and Awards.** Proclamations and awards will be read and presented by the Presiding Officer, or designee, following the Pledge of Allegiance.

2. **CITIZEN COMMUNICATIONS** – Anyone wishing to speak to the Council on an item not on the agenda may be heard at this time. In the interest of time, comments will be limited to two (2) minutes, unless additional time is granted by the Presiding Officer. The City Recorder shall post in the foyer before the start of a meeting, a Citizen Communications form (sign-in sheet).

3. **CONSENT AGENDA** – Items on the Consent Agenda are considered routine and will be adopted with a single motion, without separate consideration. Any Councilmember or member of the public may request to remove an item(s) from the Consent Agenda prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda.

The Consent Agenda is subject to the following guidelines:

- Items of routine nature, not requiring Council discussion or direction, may be included on the Consent Agenda at the discretion of the City Manager.
- Ordinances, resolutions, orders, and other items requiring a Public Hearing shall not be included on the Consent Agenda.

4. **ADDITIONS OR DELETIONS** – Changes may be made to the final agenda at the request of the City Manager. Item(s) added to the final agenda may be placed on the agenda as Item 4. A. or prior to the City Manager's Report.

5. **PRESENTATIONS** – This is a time set aside for citizen and community group presentations to the Council. Each speaker will be limited to five minutes (5), unless additional time is granted by the Presiding Officer.

6. **PUBLIC HEARINGS** – All ordinances, orders, or resolutions requiring a Public Hearing by State law or City policy will be heard. Written and oral testimony shall be heard prior to Council action pursuant to the procedures addressed in Section 8. Public Hearings will be listed on the agenda as follows:

1. Ordinances first;

2. Orders second; and
3. Resolutions third.

7. **STAFF PRESENTATIONS** – Time provided for staff members to present items requiring no formal action, Council direction, or Council consensus.

8. **CITY MANAGER'S REPORT** – Time provided for the City Manager to report matters of interest to the Council.

9. **COUNCIL COMMUNICATIONS** – Time provided for Councilmembers to report matters of interest to the Mayor and other Councilmembers.

10. **ADJOURNMENT** – Following the completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

6. 5 Changing Order of Business – At any meeting of the Council, the order of the business may be changed or any part thereof suspended for such meeting upon consensus of the majority of the Councilmembers present.

6. 6 Recess – The Presiding Officer may recess any meeting of the Council upon consensus of the majority of the Councilmembers present. The Presiding Officer shall announce the time in which the meeting will reconvene.

6. 7 Motion for Reconsideration – Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, a Councilmember who voted with the majority may move for reconsideration of an action at the same or the next following regular meeting of the Council prior to the approval of the minutes of the first meeting. A vote of reconsideration requires a majority vote of the Councilmembers present. Once a matter is reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Councilmembers present.

SECTION 7 – PUBLIC TESTIMONY

7. 1 Public Comment Generally – Any member of the general public wishing to address the Council on an issue not on the agenda may do so at the time set aside for Citizen Communications during each regular session of the Council. Any member so addressing the Council shall be limited to a period of two (2) minutes, unless additional time is granted by the Presiding Officer.

7. 2 Persons Sharing Common Concerns – If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the time set aside for Citizen Communications, the group may select a

spokesperson, which may present the views of the group to the Council to a maximum of five (5) minutes, unless additional time is granted by the Presiding Officer. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letters, videotapes, etc., shall be presented to the City Recorder at the conclusion of the spokesperson's remarks.

7.3 Roster – All persons or groups wishing to address the Council during the time set aside for Citizen Communications shall, prior to the convening of the meeting, sign-in on the Citizen Communications Form posted in the foyer, indicating the name of the person, address of the person, and subject matter on which the person or groups wishes to address the Council. Those who have not signed in may address the Council at the discretion of the Presiding Officer.

7.4 Complaints and Suggestions to the Council – When any citizen brings a complaint before or makes a suggestion to the Council, other than for items on the current meeting agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

(1) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, City Manager, or an advisory body for study and recommendation.

(2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer shall refer the complaint directly to the City Manager for review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when the review has been completed.

SECTION 8 – PUBLIC HEARINGS, CONFLICT OF INTEREST OR OTHER DISQUALIFICATIONS

8.1 Public Hearings – Public Hearings shall be held on each matter required by State law or City policy. Quasi-judicial hearing procedures shall be conducted in accordance with ORS 197.763, *Conduct of Local Quasi-judicial Land Use Hearings, Notice Requirements, Hearing Requirements*, unless otherwise provided in the Development Code. The Presiding Officer shall preside over the hearing, announce the purpose and type of hearing and summarize the guidelines for the conduct of the hearing.

8.2 Open Public Hearing – The Presiding Officer shall declare the hearing open and announce the type of hearing and the guidelines for the hearing.

8.3 Call for Abstentions – The Presiding Officer shall call for abstentions from the Council. No Councilmember shall participate in discussion or vote on a matter in which the Councilmember has a direct personal or pecuniary interest. If a Councilmember announces an abstention, the Councilmember shall identify the reason(s) for abstaining and shall not participate in discussion or vote on the matter. Exception: If the recusal results in a lack of a quorum, Councilmember may be counted for the purpose of establishing a quorum; however, the Councilmember must abstain from voting.

8.4 Ex-Parte Contact/Conflict of Interest/Prehearing Bias – Such contacts and conflicts apply to quasi-judicial hearings. The Presiding Officer shall call for such contacts or conflicts from the Council. If a Councilmember discloses an ex-parte contact, the Councilmember shall disclose the nature of the contact and information obtained. If a Councilmember discloses a conflict of interest, the Council shall disclose the conflict of interest. If a Councilmember discloses a prehearing bias, the Councilmember shall recuse themselves and shall not participate in discussion or vote on the matter. No Councilmember shall participate in discussion or vote on a matter in which the Councilmember is unable to render an unbiased decision. Exception: If the recusal results in a lack of a quorum, Councilmember may be counted for the purpose of establishing a quorum; however, the Councilmember must abstain from voting.

8.5 Challenge/Disqualification – Any Councilmember whose participation has been challenged has the right to participate and may make statement in response to the challenge. Such challenge must be made prior to the commencement of the Public Hearing and shall be incorporated into the record of the hearing.

8.6 Objections to Jurisdiction – The Presiding Officer shall inquire if there are objections to the jurisdiction of the Council to hear the matter, and if such objections are received, conduct further inquiry if necessary to determine the question. The Presiding Officer shall terminate the hearing if the inquiry results in substantial evidence the Council lacks jurisdiction or the procedural requirements are not met.

8.7 Staff Report and Recommendation – The Presiding Officer shall call forth the City Manager or City staff to present the staff report. All staff reports to the City Council shall contain the following information:

INTRODUCTORY HEADINGS:

- Meeting Date:
- Project Team:
- Subject and/or Report Title:
- Issue Statement:
- Discussion and/or Background:
- Fiscal Impact (negative or positive):
- Staff Recommendation:

8.8 Testimony – Members of the audience may present oral testimony on the matters scheduled for Public Hearing. The Presiding Officer will call forth members of the audience who have signed-in prior to the meeting to present testimony. Testimony will be limited to three (3) minutes, unless the Presiding Officer grants additional time. The Presiding Officer may further limit testimony if a speaker persists in being threatening and disorderly, or abusive, following a warning to that effect from the Presiding Officer. Upon being recognized by the Presiding Officer, any member of the Council or the City staff may ask questions of any speaker. Upon closure of the hearing, no further testimony will be allowed.

8.9 Attorney Representation – Any person attending a hearing has the right to be represented by an attorney.

8.10 Testimony – Land Use Public Hearings – In addition to the procedures outlined above and below, during a quasi-judicial hearing, the testimony must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. The hearing will be as follows:

- 1) Staff Report
- 2) Written Communications – Staff shall facilitate distribution of any written communications to the Council prior to commencement of the hearing. The City Recorder shall record in the minutes any written communications received.
- 3) Applicant's testimony
- 4) Proponent's case
- 5) Opponent's case
- 6) Neutral testimony
- 7) Rebuttal Evidence – After being recognized by the Presiding Officer, the applicant will be offered an opportunity for rebuttal.
- 8) Close Public Testimony – After the record is closed for testimony, no other testimony comments will be heard from anyone unless the City Council has a specific question.
- 9) Staff response to testimony
- 10) Questions for Staff, if any, from the City Council
- 11) Deliberation by the City Council
- 12) Motion, amendments, if any, and Decision (based on criteria)
- 13) Call for the vote

8.11 Land Use Appeal Hearings/Procedures – In addition to the procedures outlined above, land use appeal hearings and procedures shall be conducted pursuant to the provisions set forth in the Development Code.

8.12 Closing of Hearing/Council Deliberation – The Presiding Officer shall close the hearing or continue it to a date and time certain for presentation of further evidence or argument. Upon closing the hearing, the Council may deliberate on the

matter immediately, or may deliberate on the matter at a later time. During deliberations, the Council may request advice from the City Manager or City staff as to the consequences and implications of the proposal or alternatives thereto based upon the facts presented during the hearing.

8.13 Reopening of Hearing – If it appears that substantial new factual material is necessary to reach a decision on the matter, the Council may, by majority vote, order the hearing reopened or refer the matter to the Planning Commission for further development of the record. Reopening of a hearing is subject to public notice requirements.

SECTION 9 – ORDINANCES (LEGISLATIVE AUTHORITY)

9.1 Ordinances – Pursuant to City Charter, Section 15, Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Forest Grove ordains as follows:”

9.2 Ordinance Enactment – Pursuant to City Charter, Section 16, ordinances will be enacted as follows:

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the Council at two meetings.
- (b) The Council may enact an ordinance at a single meeting by unanimous approval by at least five (5) members, provided the proposed ordinance is available to the public at least seven (7) days before the meeting as prescribed by Council rules.
- (c) Any substantive amendment to a proposed ordinance must be read aloud before the Council enacts the ordinance.
- (d) After the enactment of an ordinance, the vote of each member must be entered into the Council minutes.
- (e) After enactment of an ordinance and signature by the Mayor, the City Recorder must attest to the ordinance by name, title, and date of enactment.

9.3 Ordinance Effective Date – Pursuant to City Charter, Section 17, ordinances take effect on the 30th day after enactment, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or other date less than 30 days after enactment if the ordinance contains an emergency clause.

SECTION 10 – RESOLUTIONS (ADMINISTRATIVE AUTHORITY)

10.1 Resolutions – Pursuant to City Charter, Section 18, Council will exercise its administrative authority by adopting resolutions. The adopting clause for all resolutions must state “The City of Forest Grove resolves as follows:”

10.2 Resolution Adoption – Pursuant to City Charter, Section 19, resolutions will be enacted as follows:

- (a) Adoption of a resolution or any other Council administrative decision requires approval by the Council at one (1) meeting.
- (b) Any substantive amendment to a resolution must be read aloud before the Council adopts the resolution.
- (c) After adoption of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
- (d) After adoption of a resolution and signature by the Mayor, the City Recorder must attest to the resolution by name, title, and date of adoption.

10.3 Resolution Effective Date – Pursuant to City Charter, Section 20, resolutions and other administrative decisions take effect on the date of adoption, or on a later day provided in the resolution.

SECTION 11 – ORDERS (QUASI-JUDICIAL AUTHORITY)

11.1 Orders – Pursuant to City Charter, Section 21, Council will exercise its quasi-judicial authority by adopting orders. The adopting clause for all orders must state “The City of Forest Grove orders as follows:”

11.2 Order Adoption – Pursuant to City Charter, Section 22, orders will be enacted as follows:

- (a) Adoption of an order or any other Council quasi-judicial decision requires approval by the Council at one (1) meeting.
- (b) Any substantive amendment to an order must be read aloud before the Council adopts the order.
- (c) After adoption of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
- (d) After adoption of an order and signature by the Mayor, the City Recorder must attest to the order by name, title, and date of adoption

11.3 Order Effective Date – Pursuant to City Charter, Section 23, orders and other quasi-judicial decisions take effect on the date of final adoption, or on a later day provided in the order.

SECTION 12 – RECORD OF MEETINGS

12.1 Council Record of Meetings – Pursuant to City Charter, Section 14, City Council must keep a record of its proceedings and official meetings.

12.2 Responsibility – The City Recorder shall be responsible for preparing, amending, retaining, and furnishing copies of all City Council minutes in accordance with State Laws.

12.3 Content of Minutes – Minutes of meetings of the City Council shall comply with the provisions of ORS 192.650 and contain the following:

- a) Names of all Councilmembers present or absent and City staff present;
- b) Name and address, if provided, of all persons testifying;
- c) All motions, proposals, ordinances, resolutions, orders and their disposition;
- d) Results of all votes and the vote of each Councilmember by name;
- e) Substance of any discussion on any matter;
- f) Reflect the matters discussed and views of the participants;
- g) Reference any document or exhibits discussed at the meeting;
- h) Minutes shall be available to the public within seven (7) business days after the meeting.

12.4 Preparation of Minutes and Retention of Audio – In addition to the requirements in Section 12.3, official minutes of the City Council shall record the substance of the meeting and be concise. Minutes will generally follow the chronological order of the agenda items to be considered during the meeting. Verbatim minutes are not required. Official proceedings of the City Council shall be audio recorded and be maintained in accordance with the Oregon Archives Law (pursuant to OAR 166).

12.5 Executive Session Minutes – Minutes of executive sessions shall be kept in accordance with ORS 192 in the form of audio recorded. No transcription of executive session minutes will be made unless otherwise required by State law.

12.6 Distribution of Minutes – Draft minutes are distributed to the City Council with the agenda on which the minutes appear as an item for approval. Minutes released to the public prior to City Council approval shall be stamped “DRAFT”. Copies of audio recording may be released and made available to the public in accordance with the Oregon Public Records Law (pursuant to ORS 192).

12.7 Correction and Approval of Minutes – Approval of the minutes usually takes place at the next regular meeting following the date of the minutes under approval. Generally, minutes appear under the Consent Agenda. If minor amendments are made to the minutes, a Councilmember may offer such amendment prior to the Consent Agenda being adopted. For an extensive amendment, the Council shall remove the minutes from the Consent Agenda for separate consideration. Upon an

affirmative vote of the majority of the Councilmembers present, the Council may postpone approval of the minutes until the City Recorder prepares a transcript of the portion of the meeting in question. The Council is final authority as to the amendment to the minutes upon an affirmative vote of the majority of the Councilmembers present.

SECTION 13 – PROCLAMATIONS

13.1 Request for Proclamations – Organizations, citizens, or Councilmembers may request proclamations that proclaim a specified date or dates to recognize the efforts of various community groups and individuals. Upon receipt, the City Recorder will notify the Mayor of the request. Upon the approval of the Mayor, the City Recorder shall prepare the proclamation for the Mayor's signature.

13.2 Reading of Proclamations – At the discretion of the Mayor, a proclamation shall be read at the Council meeting and presented or mailed to the requesting organization or group.

SECTION 14 – ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES

14.1 Advisory Boards, Commissions, and Committees –The Council may by ordinance or resolution establish any City advisory board, commission, or committee (herein referred to as "B/C") deemed necessary and in the best interests of the City. Pursuant to City Charter, Section 8(C), the Mayor, with the consent of the Council, appoints members of B/C's established by ordinance or resolution.

14.2 Purpose – The purpose of the Advisory Boards, Commissions, and Committees is to encourage broad-based community representation and to advise City Council on public policy issues affecting Forest Grove and Council-adopted Goals and Objectives. All such Council-appointed groups are directly responsible to the Council.

14.3 Membership Qualifications – To be eligible for appointment, a person must be 18 years of age or older and a Forest Grove resident for the duration of the appointed term unless expressly provided for by the adopted bylaws. Student appointees must be high school grade level and residing or attending school, including home-schooled, in Forest Grove. All appointed members are required to attend training courses as assigned and approved by Council. An individual member may not act in an official capacity. The Council may in its discretion at any time remove a member for any reason, including inefficiency, neglect of duty, or malfeasance in office. Voting members may not be employees of the City. B/C members serve without compensation.

14.4 Composition – Unless authorized by Council or required by state law, all B/C's shall consist of no more than nine (9) voting members.

14.5 Quorum and Meetings – Unless required by state law, a majority of the total number of voting B/C members constitutes a quorum. The B/C shall hold meetings no less than four (4) times a year, unless more frequently as established by the B/C. In January of each year, the B/C shall adopt a schedule of its meetings for the upcoming year, including meeting times and dates for holidays and canceled meetings. The staff liaison shall file the B/C meeting schedule with the City Recorder's Office and publish meeting dates/times on the City's website. In case of a meeting cancellation, the staff liaison shall post a notice at the meeting location and on the City's website prior to the meeting date/time.

14.6 Terms of Office and Officers – Unless required by state law, all B/C members shall be voting members and shall serve four (4) year terms. Student members shall be voting members and shall serve two (2) year terms. Terms shall be staggered evenly amongst the membership, beginning January 1 and ending December 31. The Chair and Vice Chair shall be elected by the voting members at the first regularly scheduled B/C meeting of each year. The Chair may not serve more than 48-consecutive months. Members may not serve on more than two (2) B/C's at the same time. Appointments to vacant positions shall fill out the remainder of the unexpired term.

14.7 Registry – The City Recorder's Office shall maintain a current roster of all members, including appointment date, length of unexpired term, and contact information. A copy of the roster shall be provided to Council at least once per year or upon any substantial change in membership.

14.8 Councilmember Liaisons – The Mayor shall appoint a Council liaison to any B/C. Council Liaisons shall be a non-voting member. The Council Liaisons role is to collaborate between the Council and the B/C to assure each group's collective interest is accurately and effectively represented to the other. This includes actively attending and reporting to each entity at their regular scheduled meetings. Council Liaison appointments shall be reconsidered every two (2) years at the first regular Council meeting following the time at which newly-elected Councilmembers officially take office or at the discretion of the Mayor.

14.9 Staff Liaisons – The City Manager shall appoint a staff member as liaison to any B/C. Staff liaisons shall be non-voting and shall assist the B/C by utilizing their expertise regarding city policy and process. The staff liaison shall orient the newly-appointed B/C members prior to the first meeting on the duties of being a member. The staff liaison shall review the agenda in consultation with the B/C chair, prepare minutes upon request of the B/C, oversee and review minutes, post minutes to the website as soon as possible after Council acceptance, prepare and distribute the B/C packet at least five (5) days prior to the meeting, post the final agenda on the bulletin

board and/or at the meeting location, submit legal notices for review and copies of approved minutes to the City Recorder's Office, report to the City Recorder's Office any member who has three or more unexcused absences, report any meeting date changes including cancellations, maintain official records in accordance with the city retention schedule (OAR166-200), and publicly post B/C documents on various media.

14.10 Appointments and Reappointments – Member recruitment shall begin in September and conclude by December 31st of each year. Once the assigned term of office is completed, the member is excused from the appointment, unless Council reappoints the member for another term of service. Members must apply and be interviewed after every term to continue service. Interviews will be conducted by the Council or Council Subcommittee. Applicants who fail to attend a scheduled interview may forfeit the opportunity for appointment or reappointment. Once Council conducts interviews and makes appointment recommendations, the City Recorder Office's shall notify applicants in writing of the Council's recommendation. Formal resolutions making appointments will be scheduled under the Consent Agenda at the next regular Council meeting.

14.11 Attendance – Members are expected to attend every meeting. Members shall notify the staff liaison prior to the regular meeting to report an absence. The minutes shall record the absence. The City Recorder's Office shall notify any member who has three (3) or more absences in a 12-month period that their position may be subject to vacancy. The Chair, with the consent of the B/C, may submit a recommendation to Council to deem the member's position vacant for three (3) or more absences in a twelve month period.

14.12 Resignations and Vacancies – A member shall submit a written resignation to the staff liaison and make every effort to allow for a thirty-day notice. To fill vacancies that occur mid-term, Council shall refer to the current year interviewed applications kept on file in the City Recorder's Office.

14.13 Agenda – The Chair shall compose the meeting agenda in consultation with the staff liaison, specifying the time, place, and purpose of the meeting and listing the subjects anticipated to be considered. A B/C member may propose placing an item on the agenda at a regularly scheduled meeting. If approved by a majority of voting members present, the agenda item will be placed on the next regularly scheduled meeting agenda or an agreed upon future meeting agenda. The agenda shall follow a standard template provided by the City.

14.14 Open Meetings, Written Minutes and Public Records – All meetings and hearings shall be held in compliance with Public Meetings Law (ORS Chapter 192) and subject to Public Records Law (ORS Chapter 192). A public meeting is defined as two or more members meeting who have been delegated authority by the B/C to advise or make recommendations to the B/C. Written minutes are required for all

meetings. Written minutes may include a briefly summarized record of what took place and must include any action items, showing the attendance and vote of each member. Verbatim minutes are not required. The minutes shall follow a standard template provided by the City.

14.15 Bylaws – Changes to a B/C's bylaws or rules of procedures must be approved by City Council. The bylaws shall follow a standard template provided by the City.

14.16 Annual Reporting – The Chair shall submit an Annual Report to the City Council listing the B/C's major activities for the past year and objectives for the coming year. The Annual Reports shall be scheduled on the Council Calendar and approved in January.

14.17 Conflicts of Interest and Ethics Law – Members are considered public officials subject to the Oregon Government Ethics Law (ORS 244), which seeks to prevent a public official from receiving financial gain or avoiding a financial detriment because of their status as a public official. Members are also subject to the Restrictions on Political Campaigning when acting in official capacity (ORS 260.432). Planning Commissioners are personally responsible to file an Annual Verified Statement of Economic Interest (SEI) form with the Oregon Government Ethics Commission by April 15 of each calendar year. A civil penalty may be imposed by the State for each violation of any provision of the ORS.

SECTION 15 – ELECTRONIC MAIL

15.1 Electronic Mail – All Councilmembers shall observe the following guidelines when using an electronic method for correspondence in their elected roles:

- 1) All Council e-mail correspondence is subject to the Oregon Public Records and Meetings Laws and is subject to disclosure (pursuant to ORS 192).
- 2) E-mail may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the Council, the City Manager, or City Department Directors.
- 3) E-Mail may not be used to discuss policy issues with a quorum of the Council at one time or a quorum of a standing advisory body in any manner which would be in violation of the Oregon Public Meetings Law (pursuant to ORS 192).

SECTION 16 – CITY COUNCIL GOAL SETTING

16.1 Council Goal Setting

- 1) **Goal Setting Parameters** – The City Council shall set its goals annually. The goals shall include *Short-Term Goals and Objectives* that the Council plans on completing within the next 12 months and *Long-Term Goals and Objectives* that the Council plans to work on during their term of office and/or future goals and objectives that may take longer to complete.
- 2) **Adoption** – Council Goals and Objectives shall be adopted at a regular meeting of the City Council no later than the second regular session in March of the year.

SECTION 17 – CITY COUNCIL TRAINING AND STIPENDS

17.1 Council Training – All Councilmembers are expected to attend at least one City-affiliated training seminar/conference per calendar year. The annual events that qualify are listed below:

- League of Oregon Cities Annual Conference
- League of Oregon Cities Elected Officials Training Sessions

17.2 Mayor Training – In addition to the above expectation, the Mayor is expected to represent the City at the annual conferences of the Oregon Mayor's Association.

17.3 Council Training Budget – The Budget Committee, consisting of the Council, shall set the Council Training Budget annually at the recommendation of the City Manager.

17.4 Reimbursement Allowance – Reimbursement allowances for travel, meals not included with the training session, and overnight accommodations expenses may be requested for training and conferences. Training and conference registrations and accommodations requests shall be submitted to the City Manager, or designee, who will make all necessary arrangements on behalf of the requester.

17.5 Council Stipends – Council stipends shall be set by resolution.

SECTION 18 – MISCELLANEOUS

18.1 Amendments to Council Rules – Amendments to these Council Rules shall be by made by Council resolution.



MODEL

LEAGUE OF OREGON CITIES

Model Rules of Procedure for Council Meetings

MARCH 2017





Model Rules of Procedure for Council Meetings

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Introduction

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

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

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

Disclaimer

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

CHAPTER 1 – General Governance

I. Rules of Procedure.

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

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

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

III. Presiding Officer.

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

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

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

IV. Other Elected and Appointed Officers.²

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

V. Agendas. The city manager [*city administrator*] shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.

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

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

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

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

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

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

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

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

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

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

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

E. Public Comment

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

6. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
 7. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
 8. Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the council chambers as a part of their comment, but must provide the materials in a readable format to city staff prior to the meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.
- F. Consent Agenda. In order to expedite the council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.
1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
 2. Any item on the consent agenda may be removed for separate consideration by any member of the council.
 3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of council must declare a conflict of interest.
- G. Ordinances and Resolutions – See [Chapter 3](#)
- H. Public Hearings Generally
1. A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
 2. Persons wishing to speak shall sign the "hearing roster" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.

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

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

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

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

CHAPTER 2 – Meeting Time, Location and Frequency

- I. **Regular meetings.** The council shall meet every _____ evening, with the exception of designated holidays and/or council recesses.
 - A. Meetings shall begin at _____ p.m.
 - B. Meetings shall adjourn at _____ p.m., allowing one-hour increment extensions upon a majority vote of the council.
- II. **Special meetings.** Special meetings may be called by the presiding officer, by request of three members of the council, or by the city manager [*city administrator*].
 - A. Notice of the special meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
 - B. Notice of the special meeting shall be given to all members of the council and the city manager [*city administrator*] via telephone and email.
 - C. Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.
- III. **Emergency meetings.** Emergency meetings may be called by the presiding officer, by the request of three members of council, or by the city manager [*city administrator*].
 - A. Notice of the emergency meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
 - B. Notice of the emergency meeting shall be given to all members of council and the city manager [*city administrator*] via telephone and email.
 - C. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
 - D. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

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

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

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

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

CHAPTER 3 – Ordinances and Resolutions⁶

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

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

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

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

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

C. Preparation and Introduction.

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

D. Calendar of Resolution.

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

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

CHAPTER 4 – Land Use Hearings

I. General Conduct of Hearings.

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

II. Quasi-Judicial Land Use Matters.

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

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

- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
1. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
 2. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
1. Land Use Hearing Disclosure Statement. The city recorder [*council secretary*] shall read the land use hearing disclose statement, which shall include:
 - a. A list of the applicable criteria;
 - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
 2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.
 3. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding,

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

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

III. Legislative Land Use Matters.

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

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

CHAPTER 5 – Motions, Debate, Public Comment and Voting⁷

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

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

11. The presiding officer shall repeat the motion prior to a vote.
12. A motion to adjourn cannot be amended.
- B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
 1. No motion shall be made more than once.
 2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the council.
- II. **Debate.** The following rules shall govern the debate of any item being discussed by the council:
 - A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
 - B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
 - C. The member of the council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.
- III. **Public Comment.** The public shall be entitled to comment on all matters before the council that require a vote.
 - A. Public comment shall occur after the matter up for vote has been presented by city staff and before the council takes any formal action on the matter.
 - B. Each member of the public is entitled to comment on the matter before the council for five minutes.
 - C. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the council or city staff.
 - D. Each person desiring to give public comments shall provide the council with his or her name and address prior to giving comment. This information shall be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
- IV. **Voting.** The following rules shall apply to voting on matters before the council, unless amended in the manner outlined in [Chapter 4](#) of these Rules.⁸

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

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

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

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

CHAPTER 6 – Minutes

I. Generally.

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

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

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

CHAPTER 7 – Appointments

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

CHAPTER 8 – Ethics, Decorum, Outside Statements

- I. Ethics.** All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
 - A. Disclosing confidential information.
 - B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
 - C. Expressing an opinion contrary to the official position of the council without so saying.
 - D. Conducting themselves in a manner so as to bring discredit upon the government of the city.
- II. Decorum.**
 - A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.
 - B. Members of the council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
 - C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members of council.
- III. Statements to the Media and Other Organizations**
 - A. Representing City. If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
 - B. Personal Opinions. If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

CHAPTER 9 – Interactions with Staff & City Attorney

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

CHAPTER 10 – Censure [*and Removal*]¹⁰

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

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

CHAPTER 11 – Amendment and Repeal

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

CITY COUNCIL TEAM AGREEMENT

Pursuant to Resolution No. 2019-14, the Agreement for City Council Conduct

1. Attendance at Council meetings is first priority; if unable to attend, please contact the City Recorder.
2. Be on time to meetings and read the packet prior to the meeting - be prepared to work.
3. Mayor will take the lead in keeping the meeting and discussion focused.
4. Distribute information in advance of Council discussion.
5. Mayor will recognize Councilors when indicating they wish to speak.
6. Use formal procedure (point of order, call for question, etc.) to focus the meeting. Formal procedure may be used when necessary for effective discussion in lieu of Council's usual, more informal, process. Individuals should use procedure appropriately and courteously.
7. Council meetings are televised live; this requires Council to act professionally by:
 - Treating the public and each other with courtesy;
 - Speaking in turn and on the issue;
 - No interrupting;
 - No engaging in side conversations; and
 - No personal communication on electronic devices while conducting business at the dais.
9. Refrain from personal attacks, including to presenters, staff, and Council.
10. Agree to be diplomatic about disagreement; leave disagreement at the dais and do not try to polarize other Councilors.
11. Call the City Manager or designee with questions and requests prior to the meeting.
12. Information available to one council member will be available to all, in a timely manner.
13. Every effort shall be made to adjourn meetings by 9:30 p.m. Council recess shall be called if meeting extends past 9:30 p.m.
14. Councilors may request on their own accord one-on-one meetings with the Mayor.

Individual Council Member Conduct Agreements

Council Members agree to:

- Be straightforward about goals and issues.
- Cultivate exchange of views with other councilors.
- Avoid saying or doing anything that would discredit or harm the City.
- Cordial, courteous behavior in and outside of meetings.

Commitments as a Council

Council strives to:

- Continue to improve citizen involvement, awareness and participation.
- Improve follow-up and resolution of citizen concerns or complaints.
- Act as an advocate for the City.

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CITY COUNCIL ORIENTATION

- CITY'S ORGANIZATIONAL CHART:** The City's Organizational Chart is to show the hierarchical structure, or chain of command, within the City. Each box depicts a City department or position, with those on the same level being of equal rank. The chart also illustrates relationships between departments and people in the City.
- CITY CHARTER:** The [Forest Grove City Charter](#) exercises the City's power to the fullest extent under the Oregon Constitution and laws of the State and is enacted by Forest Grove voters as a Home Rule Charter.
- **COUNCIL POWERS:** Pursuant to **City Charter**, Chapter II, the Council has a "general grant of powers" provision that permits the Council to take actions allowed under federal and state constitutions and laws. The general grant of powers allows maximum discretion for Council to decide matters relating to their organization, powers, functions, and finances without recourse to the state legislature.
- **QUORUM:** Pursuant to **City Charter**, Chapter III, quorum majority is four (4). A quorum of the Council is required in order to make a decision or to deliberate toward a decision on any matter. If four or more members gather, it is a meeting and public notice must be given, except for:
- Onsite inspections on any project or program
 - Gathering of any national, regional or state associations to which the Council belongs; and
 - Purely social gatherings.
- A gathering of less than a quorum of a governing body is not a "meeting." However, members of a governing body should not gather as a group or groups composed of less than a quorum for the purpose of conducting business outside the [Public Meetings Law](#). Such a gathering creates the appearance of impropriety, and runs contrary to the policy of the Public Meetings Law, which supports keeping the public informed of the deliberations of governing bodies. In addition, such a gathering creates a risk of violating ORS 192.630(2) through serial communications.
- **MOTIONS:** Motions are made orally and need only to be seconded to be brought to discussion and a vote. Pursuant to **City Charter**, Section 13, a motion must be adopted by a majority of a quorum of the Council, except when the Charter requires approval by a majority vote (i.e., Ordinance enactment). A motion is documented in the Council minutes. Consensus refers to an informal acknowledgement that a majority of the Council agrees on a particular position. No formal vote is taken. The City has adopted *Robert's Rules of Order*: <http://www.robertsrules.com/>.

■ **CITY COUNCIL ELECTED:** Pursuant to **City Charter**, Section VII, the Council consists of a Mayor and six Councilors elected from the City at-large, each for four (4) year terms. Three (3) Councilor positions are elected in the General Election every two years.

■ **COUNCIL APPOINTED OFFICERS:** Pursuant to **City Charter**, Chapter VIII, the Council appoints the City Manager, City Attorney, Municipal Judge and City Auditor. All serve at the pleasure of the Council and may be removed at any time by a majority of the Council.

■ **COUNCIL-CITY MANAGER:** Pursuant to **City Charter**, Chapter VIII, the City has a council-manager form of government. The City Manager is appointed by Council and may be removed at any time by a majority of the Council. The Council sets policy and the City Manager implements it.

■ **CITY MANAGER EVALUATION:** Pursuant to employment contract, the Council must evaluate the City Manager's performance at least once each year. Pursuant to ORS 192.660(7)(D), the Council must adopt hiring standards and criteria and policy directives in meetings open to the public. Pursuant to **City Charter**, Chapter VII, the City Manager is appointed and may be removed at any time by a majority of the Council.

■ **PERSONNEL POLICIES:** Pursuant to **City Charter**, Section IX, Council adopts by resolution personnel policies governing recruitment, selection, promotion, transfer, demotion, suspension, layoff and dismissal of City employees based on merit and fitness.

BUDGET COMMITTEE: Pursuant to Oregon Budget Law, [ORS Chapter 294](#), the City is required to establish a Budget Committee to assist with the budget process. The City's Budget Committee consists of the City Council and seven citizens appointed by the Mayor with the consent of the Council. Click here for the current [Adopted Budget](#).

COUNCIL RULES OF PROCEDURE / POLICES: [Council Rules of Procedure](#): The Council adopts by resolution rules governing its meetings and proceedings. These rules are designed to promote efficiency and consistency in conducting Council business in a timely manner.

■ **COUNCIL AGENDA:** Pursuant to **Council Rules**, Section 6, the *Preliminary* agenda is prepared by the City Manager in consultation with the Mayor. Councilmembers may request at any Council meeting to add or delete an item from the *Final* agenda for that night's meeting. A majority of the Councilmembers present at the meeting must approve the request and the request must not require a staff report. If Councilmember wishes to propose an item for a future agenda, the Councilmember must propose the agenda item at a Council meeting and it must be approved by a majority of the Councilmembers present at the meeting before being placed on the *Final* agenda for the next Council meeting or an agreed upon

future Council meeting.

- **COUNCIL ATTENDANCE:** Pursuant to **Council Rules**, Section 3, it is the duty of each Councilmember to attend all meetings as a priority of the Council. Consent is given for good cause as follows:
- Excused – with consent of Council (advising the Mayor, City Manager, or City Recorder if unable to attend will excuse you).
 - Unexcused – No advance notice given.
- Pursuant to City Chapter, Section 31, a Council seat can be deemed vacant upon absence from the City for 30 days or from all Council meetings within a 45-day period, without Council consent.
- **COUNCIL LIAISON TO BOARDS, COMMITTEES AND COMMISSIONS:** Pursuant to **Council Rules**, Section 14.8, the Mayor shall appoint Councilmembers as liaisons to any board or commission (B/C), as well as to represent local, state and sometimes federal boards. The Council Liaison appointments shall be reconsidered every two years at the first regular Council meeting following the time at which newly-elected Councilmembers officially take office or at the discretion of the Mayor. The Council Liaison is non-voting. The Council Liaison's role is to *"collaborate between the Council and B/C to assure each group collective interest is accurately and effectively represented to the other."* The Councilor does not have the authority to commit the City to any course of action, but can make recommendations to the Council regarding proposed actions.
- **COUNCIL GOALS AND GOAL OBJECTIVES:** Pursuant to **Council Rules**, Section 16, the Council must set its goals annually no later than the second regular meeting in March. The Council holds a Council Goal-Setting Retreat normally in January/February. The Council goals include *Short-Term Goals and Objectives* that the Council plans on completing within the next 12 months and *Long-Term Goals and Objectives* that the Council plans to work on during their term of office and/or future goals and objectives that may take longer to complete. The [Goals](#) (currently fiscal year) that Council sets/adopts annually help guide the City administration and departments as they plan for the upcoming budget year. The Department Directors are directed by the City Manager to incorporate any significant [Council Goals and Objectives](#) (current fiscal year) into their work plans and provide funding source information if required.
- COUNCIL TEAM AGREEMENT:** The Council has an adopted [Team Agreement](#) for conducting Council meetings and business and Council conduct. The Council Team Agreement is reviewed annually.
- FOREST GROVE CODE:** The [Forest Grove Code](#) is the legal municipal code of the City and contains Council-adopted ordinances and regulations and is enforceable only within the City's jurisdiction. The [Code of Ordinances](#) is available online and is translated and searchable in

a variety of languages. The [Development Code](#) contains Council-adopted ordinances and development standards and regulations and is enforceable only within the City's jurisdiction.

COUNCIL VISION STATEMENT: The Council adopted the original City's [Vision Statement](#) in 1993. The Vision Statement serves as the overarching document that brings together social, physical, economic and other considerations into a complete statement on the future of Forest Grove. The accompanying action plan, based on the Vision Statement, aims to utilize various resources within the entire community to achieve the goals and objectives of the Vision Statement. In 2019, the City Council included an objective to update the community vision and identify community values. The Council identified their desired outcomes for the [community visioning process](#).

PUBLIC RECORDS AND MEETINGS: [Public Records and Meetings Manual](#): The guide includes informational links to statutes and rules governing public records and meetings.

COUNCIL MEETINGS: [Oregon's Public Meetings Law](#) requires that decisions of the Council be arrived at openly and giving members of the public the right to attend all meetings of the Council at which decisions about the City's business are made or discussed, with few exceptions (refer to Executive Sessions below). Council meetings must be held in the City and at a place accessible to the disabled, and a good faith effort to provide an interpreter for the hearing impaired when requested to do so. Oregon law prohibits smoking at public meetings.

- City Council Meetings are televised live by Tualatin Valley Community Television ([TVCTV](#)) Government Access Programming, Channel 30. Forest Grove Meetings [Video on Demand](#).
- Parking in the Community Auditorium area, 1915 Main Street, is available for all meetings. During normal business hours, parking may be subject to parking enforcement regulations.

EXECUTIVE SESSIONS: Executive Sessions are authorized under [ORS 192.660](#). Executive sessions may be held to discuss certain matters specified by law, ORS 192.660, including:

- Dismissal or disciplining of an officer or employee or performance evaluation of an officer or employee, unless the officer or employee requests an open meeting;
- Deliberations with persons designated to negotiate real property transactions;
- Deliberations with persons designated to conduct labor negotiations;
- Discussion of records that are exempt from public

inspection (for these executive sessions, media may be excluded);

- Legal rights and duties of a public body with regard to current litigation or litigation likely to be filed;
- Review and evaluation of an executive officer, public officer, employee or staff member, unless an open hearing is requested by the person being reviewed

Council can take no final action in Executive Session; however, an opinion or consensus of the Council may be gathered. Matters discussed in Executive Sessions are confidential and exempt from public disclosure. Council, City Manager and staff, as well as representatives of the News media, are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as announced at the start of the Executive Session. Disclosure negates the public policy protections provided by the Public Meetings Law and may result in a waiver of any confidentiality privilege attached, such as with respect to discussions with legal counsel. In addition, disclosure may violate an individual's privacy rights, exposing the Councilor and City to liability. Willful disclosure for the purpose of harming another or for pecuniary gain could constitute an ethics violation or official misconduct pursuant to ORS 162.415, 162.425 and 244.040(4).

COUNCIL PACKET: The Council Packet is posted on the City's website: <http://www.forestgrove-or.gov/meetings>.

- A link to the agenda and packet is provided via email to Council.
- The packet is processed normally Tuesday and no later than Wednesday before a Council meeting. It is imperative to read the packet before the meeting.
- Pursuant to the Council Team Agreement, please direct questions and/or concerns pertaining to staff reports and/or packet information to the City Manager prior to the meeting.

MEETING MINUTES: Pursuant to ORS 192.650, written minutes of all meetings are required, except Executive Sessions, which may be tape-recorded. The written minutes serve as a source of information for the Council and the public. Minutes of a Council meeting validate or prove that ordinances and other actions have been approved. Minutes are always available to the public under the Public Records Law. The minutes must be approved at a subsequent meeting of the public body, subject to any corrections. *Minutes include a record of what took place, but not every word that was said.* Speeches, statements or discussions are not transcribed verbatim, except when the information is necessary to understand what took place during the meeting. The

written minutes and contain the following minimum information: (a) members present; (b) motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition; (c) results of all votes; (d) the substance of any discussion on any matter; and (e) a reference to any document discussed at the meeting. For a meeting called with less than 24-hour notice, the minutes must also describe the emergency justifying the short notice.

CITIZEN PARTICIPATION: The [Public Meetings Law](#) does not guarantee the public a right to interact with Council during meetings. Public hearings, advisory committees, neighborhood associations, volunteer participation, public opinion polls, and interest groups are several avenues in the "two-way street" of citizen participation. With the exception of elections, public hearings are the most traditional and most prevalent way of getting citizens involved in local government decisions. The Council meeting agenda allows for Citizen Communications on items that are not on the printed agenda. In the interest of time, Citizen Communications is limited to two (2) minutes unless the presiding officer/Mayor grants an extension of time.

COUNCIL CALENDAR: The Council Meeting Calendar is prepared in coordination with the Mayor and the City Manager. The Council Calendar contains meetings Councilmembers normally attend. A copy of the calendar is provided with each meeting packet and a hardcopy is provided at the meeting. Please notify the City Recorder if scheduling vacation or time leave, so it can be documented in the Council calendar.

COUNCIL E-MAIL: All Councilmembers are provided a City e-mail address: FirstInitialLastName@forestgrove-or.gov. City e-mail is forwarded to Councilor's home computer e-mail address. Pursuant to Council **Rules** of Procedure, Councilmembers must observe guidelines when using e-mail for correspondence in their elected role. Pursuant to ORS 192, all Council e-mail is subject to Oregon Public Records and Meetings Laws and is subject to public disclosure. **E-mail may not discuss policy issues with a quorum of the Council at any time (see above Serial Communications).**

NEWS MEDIA: The City Manager has assigned responsibility to designated staff for City-related media relations. This includes speeches and presentations by Council at civic affairs and service club meetings, personal contact through correspondence and conversations, appearances on radio or television discussion programs, publication of letters and articles in newspapers, and posting information on social media. Generally, attentive listening to the citizen and a simple explanation of what the City must consider in rendering a decision is a first step. If people understand the relevant facts, are treated courteously, and are

given every consideration that the circumstances will allow, the integrity of the process and the City will be enhanced.

GOVERNMENT ETHICS [Oregon Government Ethics](#) Law is found in Oregon Revised Statutes [ORS Chapter 244](#): Oregon Government Ethics law:

- Applies to all elected and appointed officials, employees and volunteers at all levels of state and local government in all three branches.
- Prohibits use of public office for financial gain.
- Requires public disclosure of financial conflicts of interest.
- Requires designated elected and appointed officials to file an annual disclosure of sources of economic interest.
- Limits gifts that an official may receive per calendar year. The general rule is that a public official, relative, or household member of the public official may not solicit or receive any gift with a value in excess of \$50 in any calendar year from a source that could reasonably be known to have a legislative or administrative interest in that public official's actions, votes, or decisions.

CONFLICT OF INTERESTS: Access the "[Guide for Public Officials](#)" by selecting this link. Oregon Government Ethics Commission ([OGE](#)) offers free e-learning training modules focusing on **government ethics law**, **lobbying regulations**, and **executive session provisions**: <http://www.oregon.gov/OGE/Pages/training.aspx>

The difference between an actual conflict of interest and a potential conflict of interest is determined by the words "would" and "could." An actual conflict of interest occurs when the action taken by a public official *would* affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated. A potential conflict of interest exists when the action taken by the public official *could* have a financial impact on that official, a relative of that official or a business with which the official or the relative of that official is associated. For both actual and potential conflicts, a public official must announce or disclose the nature of a conflict of interest before participating in any official action on the issue giving rise to the conflict of interest. ORS 244.120(2)(a) and ORS 244.120(2)(b).

- Potential Conflict of Interest: Following the public announcement, the public official may participate in official action on the issue that gave rise to the conflict of interest.
- Actual Conflict of Interest: Following the public announcement, the public official must refrain from any further participation in discussion or voting on the issue that gave rise to the conflict of interest. ORS 244.120(2)(b)(A). It is also a good idea for the public official to step down or away from their seat during the

discussion to avoid any appearance of impropriety.

**STATEMENT OF
ECONOMIC INTEREST
FILING REQUIREMENTS:**

Oregon Government Ethics Commission website:

www.gspc.state.or.us.

Statements of Economic Interests (SEI) Forms:

ORS 244.195(1)(2) requires the City Recorder to provide information about SEI filings to newly-elected officials who are required to file.

- All filings are submitted electronically through the OGEC's [Electronic Filing System](#) (EFS).
- SEI filings are due on April 15 of each year. You will be notified by system-generated email when the filing window is open.
- Failure to file an SEI by April 15 of each year carries an automatic civil penalty of \$10.00 for each of the first 14 days the statement is late and \$50.00 for each day thereafter, up to a maximum of \$5,000. [ORS 244.350(4)(c).

**COMMUNICATIONS
COUNCIL AND STAFF**

Communication between the Council and a City employee is made with recognition of two facts:

- The City employee is responsible to their immediate supervisor and cannot take orders from a Councilmember;
- Each Councilmember has authority in administrative matters only to the extent it has been delegated by the Council or as delegated in City **Charter**; and,
- The **City Charter**, Section 33(i), states a Councilor cannot "directly or indirectly attempt to coerce the Manager...in the appointment or removal of any City employee, or in administrative decisions regarding City property or contracts."

Councilors are able to get information about administrative matters by making a request during a regular Council meeting or speaking directly with the City Manager.

ELECTRONIC DEVICE:

Stipend for an Electronic Device is issued to a Councilor (4-Year Term) by the IT Department with City Manager authorization. The stipend is considered taxable income. The stipend cannot exceed \$850, plus \$20 per month Internet Data Service Stipend. The electronic device is considered personal property once purchased. The Councilor may elect to use an existing electronic device and receive a \$35 per month Internet Data Service Stipend.

STIPEND:

Pursuant to Council resolution, a \$150 monthly stipend is provided to the Mayor and \$100 monthly stipend is provided to each Councilor. The intent of the stipend is to reimburse Councilors for their expenses involved with being on the Council. Stipends are processed through payroll and are considered taxable income.

INSURANCE BENEFITS: Pursuant to Council resolution, the City provides Medical, Vision and Dental Insurance Benefits to Councilmembers who wish to participate. The City currently contributes the same percentage as City employees (95% of the Blue Cross Premium and participant pays 5%).

OFFICE MAYOR/COUNCIL: Key and access alarm code are assigned to each Councilmember. The Mayor and City Council office is located in the Community Auditorium, first conference room:

- Councilmembers may use the Council office at will; however, if scheduling becomes a problem, the City Recorder can place a calendar in the office for sign up at specific times.
- Equipment in the office includes a telephone for local calls (503-992-3331), a computer with internet service, and a copier.
- Usage of the Auditorium should be booked through the City Recorder; staff will oversee usage of AV equipment. The Auditorium may be rented by non-profits and other intergovernmental agencies for business-related meeting purposes. Rental fees are set by Council resolution.
- If using the Auditorium, please safely secure and set the alarm using your assigned alarm code before exiting.

OFFICE SUPPORT: Basic office support:

- Calendar
- Mail/Correspondence
- Messages
- Expense reports and reimbursements
- Training requests

MAIL/CORRESPONDENCE: The Council mailboxes are located on the second floor of City Hall. Councilmembers may check their mailbox during normal City business hours (9am-5pm) and/or mail is disseminated at the start of each meeting. Any mail left behind is recycled.

USE OF LETTERHEAD: Councilmembers wishing to send letters or memos using the City's letterhead should:

- Prepare the document in draft form and deliver it to the City Manager or Executive Assistant to the City Manager for review;
- Once reviewed, the Executive Assistant to the City Manager will prepare a final document on letterhead for signature, copy, and mail or deliver as appropriate;
- No document "*on behalf of the City Council*" may be written by any Councilmember without first obtaining permission of the Council as a whole;
- Individual letters of thank you, congratulations, etc., do not

require permission of the Council.

**TRAVEL/CONFERENCES/
SEMINARS:**

- Council members are encouraged to attend the League of Oregon Cities (LOC) Annual Conference in late September.
- The City Recorder handles LOC conference registration and hotel accommodations.
 - Other training opportunities are handled through the Executive Assistant to the City Manager.
 - The City pays for registration in advance.
 - The City pays for airline tickets/hotels in advance.
 - Per Diem for meals not provided by registration costs and private vehicle mileage reimbursement is provided.
 - Other related expenses, such as parking, are reimbursed pending submittal of receipts.
 - Spouse/guest may attend; however, attendee must pay for spouse/guest attendance for any charges billed to the City.

INFORMATIVE INFO: The League of Oregon Cities website: www.orcities.org. The League works in partnership with its member cities to help local government better serve the citizens of Oregon. Its primary functions are to advocate, inform and educate.

CITY RECORDER DUTIES:

- Serves as the Clerk for the Council; attends all meetings of the Council; records proceedings; drafts minutes that are submitted for Council approval and assures distribution of signed ordinances, resolutions, minutes, and other documents approved by the Council.
- Ensures that arrangements are made for all Council meetings; schedules and makes necessary legal notification of all meetings and public hearings.
- Prepares agenda and packet in coordination with City Manager and Department Directors.
- Serves as the Election Officer for the City.
- Oversees recruitments for Boards and Commissions.
- Oversees the issuance of liquor licenses and renewals.
- Oversees records management; assigns numbers for and maintains indexes on ordinances; resolutions, and other documents; updates City Code book.
- Oversees rental of the Community Auditorium.
- Serves as a Notary Public and administers oaths, as needed.
- Provides staff and public with general information regarding the City **Charter**, ordinances, resolutions, and Council activities.
- Responds to public inquiries and complaints; and provides public records in compliance with Oregon Public Records Law.

CITY WEBSITE www.forestgrove-or.gov: The City Recorder will assist in getting photograph professionally and posting Council's information on the website, which normally includes Councilor's name, term of

office and city e-mail address.

CITY ADDRESS AND City of Forest Grove
PHONE NUMBERS: 1924 Council Street ● P. O. Box 326
Forest Grove, OR 97116-0326
503.992.3200 ● Fax 503.992.3207
City website: <http://www.forestgrove-or.gov/>
City Manager, jvanderzanden@forestgrove-or.gov, 503.992.3236
(cell 907-978-1168)
City Attorney – 503.226.7191 AshleyD@gov-law.com
Executive Assistant to City Manager, bmaughan@forestgrove-or.gov, 503.992.3234
City Recorder, aruggles@forestgrove-or.gov, 503.992.3235 (cell
503.351.8505)

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SECTION 18: INTERACTIONS WITH STAFF AND CITY ATTORNEY

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

A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.

B. Refraining from actions that would undermine the authority of the city manager or a department head.

C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager.

1. Questions from individual members of the council requiring significant time or resources (two hours or more) shall normally require approval of the council.

2. Members of the council shall normally share any information obtained from staff with the entire council. This section is not intended to apply to questions by members of the council acting in their individual capacities rather than as members of the council, nor to questions regarding conflict of interest or similar issues particular to a member of the council.

18.2 City Attorney – Council members may make requests to the city attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney's time. A councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the council.

STAFF RECOMMENDATION:

Staff recommends the Council seek consensus on the items above. To enable a productive discussion during the work session, please reach out to staff prior to the meeting if you have any questions. Please recognize council rules are not intended to cover every scenario, rather, to provide a good faith framework for the Council to conduct meetings.

ATTACHMENTS:

- [City Council Rules of Procedure](#)
- [LOC Model Rules of Procedure for Council Meetings](#)
- [Team Agreement](#)
- [City Council Orientation](#)