

FOREST GROVE OREGON

A place where families and businesses thrive.

CHARTER REVIEW COMMITTEE IN-PERSON & ZOOM

Monday, September 13, 2023, 6:00 PM
Community Auditorium, 1915 Main Street

Open Meeting: All meetings of the Charter View Committee are open to the public and all persons are permitted to attend any meeting. Information on how the public may address the commission is listed below.

Zoom Link:

<https://us06web.zoom.us/j/87547967546?pwd=MGlnaU9rWUJhRVZ3ZXpiMW1iVHZpZz09>

Zoom Meeting ID: Meeting ID: 875 4796 7546 **Passcode:** 221211

COMMITTEE MEMBERS

Isaac Echeverria
Elysha Johnson
Dale Thaler
LaAna Littlefield
Wolanda Groombridge

Dennis Bryan
Tammi McLaughlin
Ashley Driscoll, City Attorney

Adolph Valfre
Tacy Steele
Nina Davis
Kate MacDonald
Joyce Phillips, Staff Liaison

A. 6:00 Call to Order

B. Public Comment: Anyone wishing to speak on an item not on the agenda or on the agenda and not scheduled for a public hearing may be heard. Please limit comments to three (3) minutes or less. State name and address for record. All testimony is electronically recorded. **Zoom Attendees:** Please use the "Raise Hand" option. Please introduce yourself and ask your question or provide your comments.

C. Consent Agenda: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so 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 remaining Consent Agenda item(s).

1. Review/approve meeting minutes from August 30, 2023

D. Additions/Deletions

E. Discussion Items

1. Meeting Decorum
2. 8.30.23 Meeting recap
3. Section 7 (continued)
 - Compare Cities by Population

4. Section 8 - Role of the Mayor
 - Voting
 - Political Head

F. Reports

NIA

G. Future Agenda Items: Quorum

H. Adjournment

*The public can observe the meetings **LIVE on Zoom** or in person in the Community Auditorium.*

ADA Notice: *In accordance with the Americans with Disabilities Act (ADA), the City of Forest Grove will make reasonable accommodations for participation in the meeting. Requests for assistance can be made by contacting the City Recorder's Office, 503-992-3235, at least 48-hours in advance of the meeting.*

FOREST GROVE OREGON

A place where families and businesses thrive.

Charter Review Committee
Meeting Minutes

August 30, 2023
Zoom & Community Auditorium

Minutes are unofficial until approve by CRC.

1. Called to Order

The meeting was called to order at 6:00 PM.

Present: Ashley Driscoll, City Attorney, Joyce Phillips (staff liaison), Isaac Echeverria, Elysha Johnson, Dale Thaler, LaAna Littlefield, Wolanda Groombridge, Bryan Dennis, Tammi McLaughlin, Adolph "Val" Valfre, Kate MacDonald

Absent: Tacy Steele, Nina Davis

2. Public Comment: N/A

3. Consent Agenda: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Committee members who wish to remove an item from the Consent Agenda may do so 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 remaining Consent Agenda item(s).

1. Approve/review meeting minutes from August 16, 2023 meeting - approved

4. Additions/Deletions: None.

5. Discussion Items - Meeting decorum was presented and reviewed.

a) Identify specific concerns with the council description (Section 7)

- A round table discussion ensued, with each committee member polled for their ideas and concerns regarding this topic. Many members had the same thought process and were in agreement regarding equal representation.

b) Forest Grove voter data review

- A statistical analysis of the past five years of voter participation and a geographical map identifying voting precincts and City quadrants was presented and discussed.

- Can't intentionally dilute minority voting or favor a political party or any person
- o There can be many different configurations that meet these criteria
- How often?
 - o At least every 10 years after the census (as population grows)

Who Makes the Decision?

- o Options
 - Council makes a decision
 - Committee reviews and makes recommendations to council
 - Subcommittee to make recommendations to council
 - City staff recommends to council
 - Outside consultant recommends to council

A vote was called for moving forward on creating wards or districts. Unanimously decided to not move forward on further discussion of creating electoral wards for the City of Forest Grove. A report will be created for submission to council for their consideration.

e) Next sections for review

- Section 3
 - o Mayor
 - o Council President
 - o Quorum
 - o Number of councilors

f) Meeting Schedule

- Discuss future meeting dates at the next meeting.

- g) Adjournment and Announcement of Next Meeting:** The meeting adjourned at 7:35 p.m. The next CRC meeting will be held on Wednesday, September 13, 2023, at 6:00 p.m. Additional meeting date decided for September 27, 2023.

Respectfully submitted,
Joyce Phillips, Staff Liaison

Agenda

Meeting Decorum

8.30.23 Conversation Recap

Section 7 (continued)
Compare Cities by Population

Section 8-Role of the Mayor
Voting
Political Head

8.30.23 CRC Conversation Recap

- Concerns about all communities of Forest Grove having a voice.
- Geographical representation and voting patterns are not interchangeable
- Forest Grove is growing, need to consider the future.
- Economic disparities.

FG Charter Review Committee Chart

Item #	Item	Proposed	Change	Comments/Recommendations	Recommendation/Status
1	Mayor				
2	City Council				
3	City Manager				
4	City Council				
5	City Council				
6	City Council				
7	City Council				
8	City Council				
9	City Council				
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CHAPTER II
COUNCIL

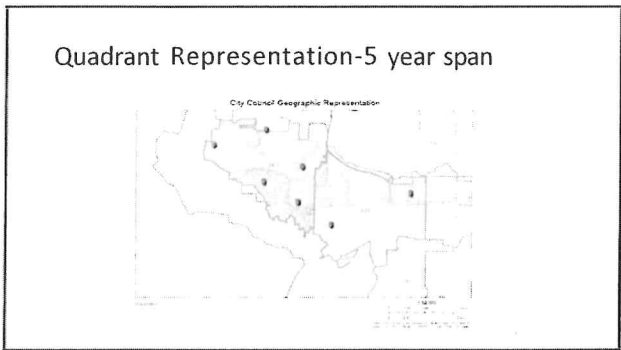
SECTION 1. FOREST GROVE The Council consists of a Mayor and six Councilors.

Section 7

In Forest Grove, can a greater level of equitable voter representation be achieved through- " " " " " " ?

Number of Council--Comparison by Population

Portland	115,469	Mayor elected for two years, six councilors and a mayor. Vote on all questions before the Council.
West Chicago	104,500	Mayor elected for four years. He shall have veto on all questions before the council in order to resolve tie votes of the council members. Six councilors and a mayor.
Forest Grove	7,797	Mayor and six Councilors selected from the City at large.
Madison	7,290	The council shall be composed of six councilors.
West Linn	6,931	
Forest Grove	6,784	A Mayor and six Councilors nominated and elected from the City at large.
Forest Grove	6,597	
Madison	6,456	A mayor and four councilors nominated and elected by the city at large.
Forest Grove	6,377	A mayor nominated and elected from the city at large, and six councilors nominated from districts and elected from the city at large.
Forest Grove	6,352	Eight councilors; constitute the Council of the City.



SECTION 8 MAYOR

(a) The Mayor preside over and regulate Council meetings, determine order, enforce Council rules, and determine the order of business under Council rules.

(b) The Mayor, with the consent of Council, appoints members or boards, commissions and committees, and directs by ordinance or resolution.

(c) The Mayor shall sign all orders of Council officers.

(d) The Mayor serves as the political head of City government.

Section 8

Should the mayor vote on all questions before the council?

Mayor Voting Role Opinion Comparison

In favor of "vote only in case of tie"

The mayor's role is to create and facilitate a collaborative council

Mayor can still pose questions and provide opinion

Facilitating rich conversation allows for greater representation of fearing perspectives

Mayor meets with many stakeholders, it's important to be able to share their thoughts as well

In favor of "vote on all questions"

Mayor is first among equals on the council

Mayor needs to be part of the vote

Mayor being part and parcel of the process is important

Mayor not voting lessens authority

Mayor needs a chance to be "in the arena"

Mayor is not an observer or a facilitator

Mayor Voting Role Pros & Cons

Mayor votes on all matters

- The mayor is an equal member of the council and has a voice in every matter
- The community is fully aware of the mayor's position on all matters before the council, which fosters transparency
- Mayor can participate in the discussion and deliberations on all matters
- The mayor is more than a political figurehead
- No guarantee that the mayor will avoid political controversy or be seen as more neutral to other members of the council by not voting on all terms

Mayor votes only to break a tie

- Mayor can focus on other duties of the role with more neutrality:
 - Running the meetings
 - Presiding over the meetings
 - Preserving order
 - Enforcing the council rules
 - Determining the order of business
 - Appointing members of the boards and commissions
 - Serving as the political head of the city
 - Setting the agenda
- Mayor may be more effective in building consensus among the other councilors if the mayor is more neutral.

SECTION B MAYOR

- (a) The Mayor presides over and facilitates Council meetings, prescribes rules, enforces Council rules, and determines the order of business under Council rules.
- (b) The Mayor is a voting member of the Council and has no veto authority.
- (c) The Mayor, with the consent of Council, appoints members of boards, commissions and committees established by ordinance or resolution. The Mayor must sign all documents of Council decisions.

Section 8

What does it mean to be the political head; are revisions to this language needed?

Section 8

- LOC pages 1-6 review
- Hypothetical scenarios & pros/cons

Forest Grove Charter Review Committee Chart

Section	Title	Yes Change	No Change	Scope of Review Potential Changes	Differences from LOC Model Charter
	Chapter I Name & Boundaries				
1	Title		X		
2	Name		X		
3	Boundaries		X		
	Chapter II. Powers				
4	Powers		X		
5	Construction		X		
6	Distribution		X		
	Chapter III. Council				
7	Council			Geographic representation <ul style="list-style-type: none"> - Qualification of councilors - Change of district/ward boundaries Term limits - TBD	
8	Mayor			Role of the Mayor	
9	Council President			Role of the Council President	

Charter Review Committee Comparison Chart

	Forest Grove	Cornelius	Hillsboro	Sherwood	Tigard	Tualatin	Newberg
Districts/ Wards	No	No	Yes, 3 wards	No	No	No	No
Council Term Limits	No	4-year terms	Yes - no more than two consecutive 4 year terms.	Yes, no more than 3 consecutive terms.	Yes, no more than 8 consecutive years.	Yes, no more than 12 years in any 20-year period.	Yes, term of a councilor will be elected for four-year term.
Mayor Duties	Presides over and facilitates Council meetings, preserves order, enforces Council rules, and determines the order of business under Council rules. Is a voting member of the Council and has no veto authority. With the consent of Council, appoints members of boards, commissions and committees established by ordinance or resolution. Must sign all records of Council decisions.	Presides over and facilitates council meetings, preserves order, enforces council procedures, and determines the order of council business. Must sign all records of council decisions. Serves as the political head of the city government.	Presides over and facilitates council meetings, preserves order, enforces council procedures, and determines the order of council business. Has no vote on council matters unless there is a tie vote.	Presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. Is a voting member of the council. Must sign all records of council	Shall be chair of the Council and preside over its deliberations. Shall have a vote on all questions brought before the Council.	Shall be chair of the Council and preside over its deliberations. Shall have a vote on all questions before the Council and authority to preserve the order, enforce the rules of the Council, and determine the order of business under the rules of the Council.	The mayor presides over and facilitates council meetings, preserves order, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority. With the consent of council, the mayor appoints members of commissions and committees

	Serves as the political head of the City government.			decisions. Serves as the political head of the city government.			established by ordinance or resolution. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.
Council President Duties	The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.	The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.	The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties. The president retains the right to vote on all matters while presiding over the council, but does not have authority to require the	The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.	In the Mayor's absence from a Council meeting the President shall perform the duties of the office of Mayor and preside over it. Whenever the Mayor is physically or mentally unable to	In the Mayor's absence from a Council meeting, the president shall preside over it as Mayor pro tern. Whenever the Mayor is unable to perform the functions of office, the president shall act as mayor.	The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

			council to reconsider legislation.		perform the functions of office, the CP shall act as the Mayor pro tern.		
Residency Requirement	Yes	No	No	No	No	Yes	No

- Oregon Municipal Handbook -

CHAPTER 3: MUNICIPAL OFFICIALS



Chapter 3: Municipal Officials

Introduction

Municipal officials have many responsibilities. All officials must have a thorough knowledge of the community, its people, and its problems, as well as an understanding of their individual roles and the issues they will confront. This chapter of the Handbook will provide an overview of the common roles of municipal officials. This chapter is not intended to be a substitute for legal advice. LOC members with additional questions about their role as a municipal official are encouraged to contact their city attorney.

Roles of Elected Council/Commission Officials

Oregon cities have councils of fewer than 10 members, although there is variation in council size - from five to nine members. Most councilor terms are four years, but a few cities have two-year terms. A few city charters provide a limit for the number of terms that one individual may serve as a councilor.

City councils and commissions usually have major responsibilities in both their policy and administrative roles. Understanding these responsibilities will increase the ability of the council, councilors, and staff to get their job done. Two primary functions of city councils are policy and administration. Councils also have limited quasi-judicial powers. Policy is the process of deciding what is to be done, while administration is the process of implementing the policy. Quasi-judicial powers allow the council to act like a court of law.

Policy Role

The city council clearly has the dominant voice in policy matters, but this responsibility is shared with the city administrator, other city employees, and private citizens. The unique role of the council in the policy-making process is to serve as the decision maker within city government in resolving issues of policy. Although the administrator and city employees may be involved in policy formulation, only the council may pass an ordinance or adopt a comprehensive plan. In addition, the budget is a major vehicle for making city policy decisions - and only the council may adopt the budget.

For the council to be successful in bringing issues forward for discussion and in setting policy, each councilor must have a clear understanding of the policy process and the stages at which council intervention is most effective. The policy process may be viewed as a series of steps or phases:

- Identification of problems and needs;

- Establishment of community goals;
- Determination of objectives;
- Development and analysis of alternative means for achieving objectives;
- Establishment of priorities;
- Development of programs;
- Implementation of programs;
- Monitoring and evaluation of programs; and
- Feedback.

These steps usually do not occur as separate actions or decisions, but they may occur more or less in sequence, as in the adoption and periodic review of the comprehensive plan, a capital improvement plan, or an annual budget.

Councilors may be involved in each of these steps, but their most important contributions are likely to be in identifying needs, establishing goals and objectives, choosing among alternatives, setting priorities, and providing feedback.

Administrative Role

Once policies are established, they must be implemented through administration. Administrative actions are generally those types of decisions that are internal and relate to city operations. These decisions normally implement requirements of city ordinances and state statutes and deal with matters that are special or temporary.

There are several ways in which city councils can, and do, influence city administration. The most common actions taken by a council that affect administration are the passage of resolutions and motions, special investigations, approval of appointments, public hearings, the budget process, legislative audits, review of administrative rules, and agency reporting requirements. Resolutions are generally written and deal with matters of temporary importance. A motion is similar to a resolution, except that motions are generally not presented to the council in writing. It should be noted that motions are not limited to administrative decisions and may often be a mechanism by which a council will adopt an ordinance or other decision. Through these actions, the council exercises significant control over administration, even if the day-to-day administration of the city business is conducted separately from the council.

The extent in which the city council is involved in administration depends on the size of the city and its form of government. The council is collectively responsible for the oversight of administration in most cities¹, but the roles that individual city councilors play in city administration vary considerably, depending on the size of the city and its form of government. Some small cities have no full-time employees and as a result, councilors for those cities may be deeply involved in administration. Often small cities rely upon part-time employees or contracted professional services to assist with various issues and volunteers. Somewhat larger cities have full-time employees. Even so, councilors may still perform administrative functions or oversee projects, usually through council committees. As cities grow and the complexity of their operations increase, councils often employ a city manager or a city administrator. Councils in these cities seldom retain any significant involvement in day-to-day supervision of city employees and departments, although the extent to which they may seek to exercise supervision may vary depending on the size of the city the abilities of the councilors, and language in the city's charter.

Quasi-Judicial Power

In some instances, the council will sit much like a court of law to hear a matter and make a decision that affects a person's rights. These "quasi-judicial" decisions always involve a specific set of rules or policies that will be applied to a specific situation in which the council must make a decision. Typical quasi-judicial decisions include land use applications and appeals of licensing decisions. A person affected by a quasi-judicial decision has certain rights such as the right to be informed of the decision, a right to address the decision maker at a hearing before the decision is made, and a right to an impartial decision maker.

¹ The city of Beaverton's form of government has a strong mayor. In a strong mayor form of government, it is the mayor who handles the administrative functions of the city, not the council.

Three Forms of Government

A city's form of government defines its internal organizational structure, relations along its electorate, its legislative body, and its executive officials, and the respective roles of each in the formal decision-making process. The form of government is often said to be less important to the quality of a city's performance than the personal qualities and abilities of its city officials and employees. Although there are three basic forms of city government, rarely does the organization of a city adhere completely to one form.

Council-Manager Form

Most cities with populations above 2,500 have a council-manager form of government. The council retains the decision-making authority of the city, but the charter creates an office of city manager (or administrator). The appointed city manager takes charge of the daily supervision of the city's operations and serves at the pleasure of the council. The council sets policy and the manager carries it out.

This type of form works best when the council exercises its responsibility for policy leadership and respects the manager's leadership role and responsibility for administration. Council-manager charters commonly include specific provisions that prohibit individual councilors from giving orders to city employees or from attempting to influence or coerce the manager with respect to appointments, purchasing, or other matters.

Communications between Council/Commission and Staff

Regardless of the size of the city or its form of government, communication between the council and city staff must be made with the recognition of two facts:

- The city employee is responsible to his or her immediate supervisor and cannot take orders from an individual councilor; and
- Each councilor has authority in administrative matters only to the extent delegated by the council as a whole. This delegation is often formally contained in an ordinance or charter provision.

Misunderstandings may arise when a councilor intends to only ask for information. The employee receiving a direct request from a councilor can easily jump to erroneous conclusions or misinterpret the councilor's intent. The best way for councilors to get information about administrative matters is to make the request during a regular council meeting or to a specific manager or administrator.

Decision Making

City council action is taken by vote and that action is typically referred to as a decision. A decision may be made with respect to formal documents such as ordinances, resolutions, orders, and contracts. A decision may also be made to direct city staff to take certain action or made on a question of motion before the council.

Councils adopt laws in the form of ordinances. Ideally, councils have adopted rules that help implement the ordinance process and provide for an orderly discussion. For example, charters will often require, subject to some exceptions, that an ordinance be "read" by the council at two meetings. By comparison, the council rules will state when those meetings are to occur, whether the council will get copies of the ordinance in advance, and whether the public may speak on the proposed ordinance.

Three Forms of Government *continued*

Mayor-Council Form

The mayor-council form can either have a "weak mayor" or "strong mayor" form of government. Under a weak mayor, the elected council is the basic policy making body in the city. The mayor has no formal authority outside the council, and unless, specified by charter, has no veto power over council decisions. Under a strong mayor, the mayor essentially serves as the head administrative manager of the city.

While there is no appointed city manager, the mayor may appoint an assistant to oversee the general supervision and control over appointed city officers and employees. Rather than reporting directly to the city council, as may be the case under the council-manager form of government, the mayor's assistant reports directly to the mayor.

Commission Form

Only the City of Portland has a true commission form of government. Voters directly elect the city's major department heads who collectively function as a city council.

The city charter specifies the quorum and voting requirements for a decision. A quorum is the minimum number of councilors required to be in attendance to transact business and is usually the majority of the council.² City charters may impose different voting requirements for certain actions. For example, a city charter may require approval of two-thirds of the members for passage of ordinances with emergency clauses, or unanimous approval for a combined first and second reading of a non-emergency ordinance.

The council's authority to adopt law cannot be delegated to anyone else within city government. However, under the Oregon Constitution, the people have reserved unto themselves the power of initiative and referendum. An initiative is when the voters gather enough signatures to put a law on the ballot for a vote. A referendum is when the voters gather enough signatures to put a law that the council has already adopted on the ballot. A referendum is different from a referral. A referral is when the council elects to send a matter to the ballot for a vote, rather than exercising its authority to adopt the law.

Liaison Role

Councilors serve as liaisons on local, state, or even federal boards. They may also serve on commissions or committees, such as the chamber of commerce, economic development groups, selected interest groups (such as the League of Oregon cities or National League of Cities), and civic groups. The councilor will not have the authority to commit the city to any course of action, but can make recommendations to the council regarding proposed actions. A councilor may also serve on an intergovernmental body, such as a council of governments, joint city-county board or commission, or any other entity created by intergovernmental agreement. The type of body may have its own independent policy-making and administrative authority. Appointment to these kinds of bodies is usually made by the mayor with council approval, but individual councilor appointees may receive more direction from the council to guide their actions on behalf of the city.

Role of Mayors

The mayor is generally recognized as the civic leader in the eyes of the community. The mayor's authority beyond that will vary from city to city depending on the city's charter and its chosen form of government. In most cities, the mayor presides over council meetings and participates in discussions. Unlike city councilors who are elected, the mayor may be either elected by the people or appointed by the council from among its own members. Many cities have two-year terms for the mayor, even though the councilors serve for four years.

² The Oregon Supreme Court has recently held: 1) A quorum applies to any organized body, even if the body hasn't established its own quorum; and 2) the Oregon Public Meetings Laws applies to "some decision-making of a governing body that does not occur in a 'meeting'." *Tri-County Metropolitan Transportation District of Oregon v. Amalgamated Transit Union Local 757,362 Or 484,412 P3d 162* (2018).

Policy Role

In most cities, the elected council is the legislative and basic policy-making body of the city. The mayor is the ceremonial head of the city and is often the presiding officer of the council. The mayor calls city council meetings to order; announces the order of business as provided in the agenda; states motions; puts them to a vote; announces the result of the vote; prevents irrelevant or frivolous debate or discussion; maintains order and decorum; and otherwise enforces the council's rules and appropriate parliamentary procedures. In addition to the general policy role of a council member, in most cities, the mayor also signs all ordinances and their records of proceedings approved by the council, and in small cities, they may sign all orders to disburse funds.

Administrative Role

Generally, the mayor, with consent of the council, may appoint members of commissions, boards, and committees established by ordinance or resolution. Within cities who adopt a weak mayor form of government, the mayor does not appoint administrative personnel, has no special administrative responsibility, and has no power to veto ordinances adopted by the council. However, depending on charter provisions, the mayor may appoint certain staff members, such as the city manager, city attorney, and chief of police, subject to council approval. Within cities which adopt a strong mayor form of government, the mayor is the chief executive of the city. In addition to being the ceremonial head of the city and presiding at council meetings, the mayor has the power to appoint all or most administrative personnel of the city and has the general responsibility for proper administration of city affairs.

Liaison Role

As with other members of the city council, the mayor may serve as a liaison on local, state, and federal boards. Similar to other city councilor liaison roles, the mayor will not have authority to commit the city to any course of action, but may make recommendations to the rest of the council regarding proposed actions.

Recalls

The Oregon Constitution provides the public with the power to recall elected officials before the expiration of their terms.³ However, an elected city official may not be recalled during the first 6 months of their current term.

³ Or Const, Art II, §18.

FOREST
GROVE OREGON

**CITY COUNCIL
RULES OF
PROCEDURE**

Council Rules 2021
Revised 03/2021

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 (3) 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 - Pursuant to City Charter, Section 13, 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 (Pursuant to City Charter, Section 11) -

The City Council will meet in regular session on the second and fourth Mondays of each month at 7:00-9:30 p.m. in the Community Auditorium, 1915 Main Street, or at another place in the City which the Council designates. The express approval of a majority of a quorum of the Council is necessary to extend the regular session past 9:30 p.m. 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 (4) 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 (4) 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:
"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 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 e-mail, 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 e-mails 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 e-mail.
- (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.

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:

1. Notice of the meeting time;
2. Location of the meeting; and
3. 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 (8)(2), provides that the Council member'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:

1. Illness;
2. Family obligations;
3. Employment requirements;
4. Scheduled vacations; or
5. 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.
