

# City of Newport

## COUNCIL RULES

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EFFECTIVE JANUARY 1, 2008

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### ***Agenda.***

The city manager shall prepare a written agenda for all regular council meetings, including work sessions and business sessions. A packet including the agenda and materials on agenda items will normally be available to the council at least three days before each regularly scheduled council meeting. The city manager or mayor may change the agenda at any time prior to the start of the council meeting, and the presiding officer may change the agenda after the start of the meeting. A change in the agenda after the start of the council meeting is a procedural decision.

A. A councilor who wishes an item to be placed on the written council agenda shall advise the city manager at least one week prior to the meeting. The city manager shall determine whether the item is to be placed on the agenda as an action item or as a discussion item.

B. A council member who wishes staff to undertake major research or drafting to prepare an action item shall raise the issue at a council meeting, and the city manager shall take direction from the council as a whole. The council should consider requests from individual council members in light of council goals and priorities and staff workload and availability. Direction to proceed with an item does not commit the council or any individual council member from supporting an action when it comes before council for a final decision.

C. The agenda shall be in any form chosen by the city manager, subject to direction by the council.

D. Business sessions include any regular, special or emergency session at which the council is expected to take formal action. Work sessions are any regular, special or emergency sessions used to present information to council, to allow the council to prepare for business sessions or to allow preliminary discussion on upcoming council items. The council may take formal action at a work session, but action items will not normally be scheduled for work sessions.

### ***Annual Report of Boards, Commissions and Committees.***

At the request of the council, boards, commissions and committees will annually report to the council on their activities for the previous year.

### ***Appointed Positions.***

The council appoints and can remove the city manager, the city attorney and the municipal judge. The council shall evaluate the city manager and the city attorney in accordance with their respective contracts, but no less frequently than once a year. The council may meet with the municipal judge once annually, but will not interfere with the municipal judge's exercise of judicial authority and discretion.

### ***Attendance and Presence in the City.***

Councilors will inform the mayor and/or city manager if they will be unable to attend any meetings. If the mayor will be absent, the mayor will inform the city manager and the council president. Under the charter, a council position becomes vacant if the council member is absent from the city for more than 30 days without

council permission. The permission to be absent from the city must be requested before the absence, or in the case of a family illness or other unforeseen event, prior to the end of the 30 day absence.

***Broadcasting Council Meetings.***

The council wishes to have regular meetings of the council broadcast on a public access cable television channel and anticipates possible radio broadcasts of council meetings.

The council intends any broadcasting of council meetings be unbiased and even-handed. Any televising of council meeting should use camera shots that are appropriate for the council, witnesses and audience members and are relevant to the discussion.

Video and audio shall be deleted only for the purpose of conforming with applicable laws governing public broadcasts. Editing for the above purpose and for the insertion of informational titles and graphics will be allowed. Portions of recorded council meetings may be used in other news and informational broadcasts provided they are not portrayed out of context.

Any time a council meeting is broadcast under the control of the city, it shall be simultaneously recorded and may be rebroadcast.

***Cellphones and Pagers.***

Cellphones, pagers and other communications shall be silenced during council meetings.

***Communication with Staff.***

All council members shall respect the separation between the council's role and the city manager's responsibilities by:

- A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
- B. Working together as a team within a spirit of mutual confidence and support.
- C. Respecting the administrative functions of the city manager, the city attorney and department heads and refraining from actions that would undermine the authority of the city manager or department heads. The council will abide by the city charter in its dealings with the city manager and city attorney.
- D. Limiting individual inquiries and requests for information from staff or department heads 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 or city attorney. Questions from individual council members requiring significant staff time or resources (two hours or more) should normally require approval of the council, although the city manager may determine to follow up on requests from individual councilors. Written requests for information

requested by a individual council member should normally be responded to in writing to the council as a whole, with a notation as to which council member requested the information. Council members should normally share any information obtained from staff with the entire council. This section is not intended to apply to questions by council members acting in their individual capacity rather than as council members, nor to questions regarding conflict of interest or similar issues particular to the council member.

E. Limiting individual contacts with city officers and employees so as to not influence staff decisions or recommendations, so as to not interfere with staff work performance, and so as to not undermine the authority of the city manager, department heads and other managerial and supervisory employees.

F. Respecting staff and their roles and responsibilities, even if expressing criticism of an action.

Nothing in this section precludes council members from obtaining information and asking questions during council meetings or from evaluating the performance of the city manager or city attorney.

### ***Conduct of Council Members.***

A. *Non-Participation.* A council member shall not participate in a quasi-judicial decision if the council member is biased to the extent that the council member cannot decide the matter by applying the applicable standards and criteria to the facts of the situation as presented to the council. A council member shall not participate in any quasi-judicial matter in which the council member has a personal interest in the outcome, unless that personal interest is shared by a class of persons. A council member shall not participate in any decision when participation in the decision is contrary to state law. Any person may challenge the participation of a council member at the start of the proceeding. If a challenge is made, the council member may choose to withdraw. If the council member does not withdraw, the remainder of the council will decide by motion whether the council member will participate. A council member who is not participating shall not sit at the council table.

B. *Conflict of Interest.* A council member shall not participate in any matter where there is a financial conflict of interest. Under state law, an actual conflict of interest is defined as one that would result in the private financial benefit of the council member, a relative or a business with which the council member is associated. A potential conflict of interest is one that could result in private financial benefit. A council member must publicly announce potential and actual conflicts of interest, and, in the case of actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue unless allowed by state law. A council member who is not participating because of a conflict of interest shall leave the council table after declaring the conflict.

C. *Ex Parte Contacts.* For quasi-judicial hearings, council members will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts are any contacts with persons other than staff outside the formal hearing process relating to the subject matter of the quasi-judicial hearing. Ex parte contacts include both oral and written communication. If a council member has an ex parte contact prior to any hearing, the council member will reveal the contact at the beginning of the hearing. The council member shall describe the substance of the contact. After all declarations of ex parte contacts, the presiding officer shall announce the right of interested persons to rebut the substance of the communication or otherwise challenge the participation of the council member who had the ex parte contact.

D. *Absence for Portion of a Hearing.* For quasi-judicial hearings, a council member who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the council member has reviewed all the evidence and testimony received.

E. *Government Ethics Requirements and Reporting.* Council members shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain. Council members shall give public notice of any conflict of interest or potential conflicts of interest and the notice will be reported in the meeting minutes. Council members shall timely file annual statements of economic interest with the Government Ethics Commission.

F. *Ethical Conduct and Fair Treatment.* In addition to matters of financial interest, council members shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the council. This general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
2. Making decisions involving business associates, customers, clients, and competitors.
3. Repeated violations of these council rules.
4. Promoting relatives, clients or employees for boards and commissions.
5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends.
6. Seeking employment of relatives with the city.
7. Actions benefiting special interest groups at the expense of the city as a whole.

8. Expressing an opinion contrary to the official position of the council without so stating.

G. *General Conduct.* In general, council members shall conduct themselves so as to bring credit upon the government of the city by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the council and abiding by all decisions of the council, whether or not the member voted on the prevailing side.

H. *Participation in Council Meetings.* Any councilor desiring to be heard during a council meeting should normally be recognized by the presiding officer and shall confine his or her remarks to the subject under consideration or to be considered. Council members will speak one at a time, allowing one another to finish. The presiding officer may allow flexibility in the application of this rule.

***Conferences and Seminars.***

Council member are urged to educate themselves about local government. To that end, and as funding allows, council members are urged to attend the League of Oregon Cities functions at city expense. Requests to attend other government related conferences, training seminars and meetings will be presented to the council for approval. Council members who serve on committees or the boards of the League of Oregon Cities, the National League of Cities or other similar associations of local governments will be reimbursed for reasonable expenses not covered by the respective body.

***Confidentiality.***

Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the city's position is not compromised. No mention of confidential information read or heard should be made to anyone other than other council members, the city manager, the city attorney, or responsible department heads.

A. If the council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A council member will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion, except as authorized by council.

B. All public statements, information, or press releases relating to a confidential matter will be handled by designated staff or the mayor or a designated council member.

C. The council, by resolution or motion, may censure a member who discloses a confidential matter.

***Consent Agenda.***

In order to make more efficient use of meeting time, the city manager shall place all items of a routine nature on which no debate is expected on a consent agenda. Any item placed on the consent agenda shall be disposed of by a single motion "to adopt the consent agenda" which shall not be debatable. Any councilor or the mayor can remove an item from the consent agenda by voice request prior to the vote to adopt the consent agenda. Any matter removed from the consent agenda may be considered immediately after the consent agenda or may be discussed and considered as an action item at the meeting.

***Contacts with Organizations.***

The city council will seek meetings with the Lincoln County Board of Commissioners, the Lincoln County School District Board, the Port of Newport, and other local governments as needed to address issues of common interest. The city council will allow local groups such as the chamber of commerce, and local business, neighborhood or citizens groups to make presentations to the council on matters of common interest.

***Council Rules.***

These rules are authorized by the city charter. The council shall review these rules periodically. Amendments shall be adopted by a majority of the entire council. The council rules are not intended to replace or supersede any applicable federal or state laws or regulations, city ordinances or policies, or provisions of the city charter.

***Decorum.***

All persons at council meetings shall behave appropriately, considering the importance of council meetings and the need to proceed with council business. Except in case of injury, persons shall not rest their feet on chairs or tables, or stand on chairs or tables.

***Emergency Meetings.***

In the case of an emergency, an emergency meeting may be called by the city manager, the mayor, or two councilors, consistent with state law. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice. The city shall attempt to contact the media and other interested persons to inform them of the meeting. Council members are responsible to inform staff of how they can be reached when out of town.

***Executive Sessions.***

An executive session (meeting closed to the public) may be held in accordance with state law. Care will be taken to ensure that proper and timely notice is made in accordance with statutory requirements. Executive sessions may be held during regular, special or emergency meetings, so long as appropriate statutory requirements are met.

A. No formal actions can be taken during an executive session. When the council reconvenes in open session, formal action may be taken. Only the council, city

attorney, specific staff members, news media representatives and others specifically invited can attend an executive session.

B. A major reason for allowing members of the news media to attend executive sessions is to ensure that the issues discussed are proper subjects and actions under the state laws related to executive sessions and to keep them informed concerning the background of deliberations so they have a better understanding of any decisions made as a result of the meeting. Members of the press shall be told that they may not report the substance of an executive session.

C. Minutes or a recording of executive sessions are required.

D. Material discussed during an executive session should not be disclosed outside the executive session or other privileged communications.

***Exhibits.***

Exhibits presented before the council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the council and made part of the record. The exhibit or a copy thereof shall be provided to the meeting recorder.

***Expenses, Reimbursement and Compensation.***

Council members shall receive no pay or other compensation for serving on the council. Council members will follow the same rules and procedures for reimbursement as those which apply to city employees, when seeking reimbursement for attendance at authorized conferences or other authorized reimbursement. The city does not reimburse council members for expenses incurred by their spouses.

***Gifts by the Council.***

On occasion, and within the approved budget, the council may wish to purchase a gift or memento for someone with city funds. Expenditures of this type shall require consensus approval of the council.

***Guns.***

No person other than a peace officer may bring a firearm to or possess a firearm at a council meeting.

***Hats.***

Men shall remove hats during council meeting. This rule does not apply to persons who wear hats for religious reasons.

***Legal Advice.***

Requests to the city attorney for advice requiring extensive legal research shall not be made by an individual council member except with the concurrence of the majority of the council.

***Liaison to Boards, Commissions and Committees.***

The mayor may appoint council members to act as liaison to boards, commissions, committees or other bodies that advise the council. In the event a council liaison is unable to attend a meeting of the board, commission or committee, the liaison will either contact another council member to act as liaison for the meeting or ask the mayor to find a substitute.

When attending a meeting of a city board, commission or committee as liaison, council members will:

- A. Not attempt to lobby or influence the board, commission or committee on any item under its consideration. It is important for the advisory body to make objective recommendations to the council on items before them. However, nothing in this section precludes the council member from explaining what the council expects from the board, commission or committee, or explaining council policy.
- B. Not vote at the body's meeting on any item.

This rule applies only when the council member is acting as liaison; it does not apply when the council member is a member of the board, commission or committee and does not apply to non-city bodies when the council member is the representative of the city.

***Litigation.***

The council will meet in executive session with the city manager and city attorney within 30 days of the city's receipt of:

- A. A statutory notice of intent to sue, or
- B. A summons and complaint for damages.

This requirement does not apply to cases in which the claim is covered by insurance.

***Meeting Procedure.***

The presiding officer shall make all initial procedural decisions. The council by majority vote may overrule the procedural ruling of the presiding officer.

***Meeting Staffing.***

The city manager will attend all council meetings unless excused. The city manager may make recommendations to the council and shall have the right to take part in all council discussions but shall have no vote. The city attorney will attend all regular council meetings unless excused, shall have the right to take part in council discussion, and will, upon request, give an opinion, either written or oral, on legal questions. The city attorney, if requested, shall act as the council's parliamentarian, but will have no vote. The city recorder or designee shall attend all council meetings, keep the official minutes, and perform such other duties as may be needed for the orderly conduct of meetings. Department directors or other staff

will attend council meetings upon request of the city manager or council through the city manager.

***Meeting Times.***

The council will meet regularly on the first and third Mondays of each month in the council chambers. If a regular scheduled council meeting time is on a city holiday, the meeting will be held on the first day that is not a city holiday. The meetings will start at 6:00 pm, but no public hearing shall be scheduled until 7:00 pm. In addition, the council will hold a pre-meeting work session at noon on the day of each regular council session. The council may from time to time hold additional work sessions to address major matters at 5:00 pm on the day of a council meeting. All council meetings shall be open to the public, except authorized executive sessions. In order to give fair consideration to all matters, if a meeting is still in progress at 10:00 pm, the council may consider whether it should adjourn and continue unfinished agenda items to a future meeting. The decision whether to adjourn before the agenda has been completed should normally be made between agenda items, rather than in the middle of consideration of an item. If any hearings are postponed to a future meeting, the council normally will give an opportunity to speak to anyone who wishes to participate in the hearing and is unable to attend the rescheduled hearing. Any member of the council may request a short break at any time during a council meeting. Nothing in this section prevents the council or city manager from calling a special or emergency session to be held at any time, consistent with state law.

***Minutes.***

Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required.

- A. Council meeting minutes shall contain:
  - 1. The name of council members and staff present.
  - 2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
  - 3. The result of any votes, including ayes and nays and the names of the council members who voted.
  - 4. The substance of the discussion on any matter.
  - 5. Reference to any document discussed at the meeting.
  
- B. The council may amend the minutes to more accurately reflect what transpired at a meeting. Upon receipt of the minutes in the council agenda packet, the council members should read them and if possible submit any changes, additions or corrections to the city recorder in order that a corrected copy can be prepared prior to the meeting for approval. Under no circumstances shall the

minutes be changed following approval by the council, unless the council authorizes the change by majority vote.

***Motions.***

When a motion is made, it shall be clearly and concisely stated by its mover. Council members are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the council's proceedings. The presiding officer will state the name of the council member who made the motion and the name of the council member who made the second. When the council concurs or agrees to an item that does not require a formal motion, the presiding officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the council:

- A. A motion may be withdrawn by the mover at any time without the consent of the council.
- B. If a motion does not receive a second, it dies. Certain motions can proceed without a second, including nominations, withdrawal of motion and agenda order.
- C. A motion that receives a tie vote fails.
- D. A call for the question is intended to close the debate on the main motion and does not require a second and is not debatable. A call for the question fails without a majority vote. Debate on the main subject resumes if the motion fails.
- E. A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting or adding, striking out, striking out and inserting, or substituting.
- F. A motion to adjourn cannot be amended.
- G. A motion to amend an amendment is in order.
- H. Amendments are voted on first, then the main motion as amended.
- I. 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.
- J. The motion maker, presiding officer, meeting recorder, city manager or city attorney should repeat the motion prior to voting.
- K. A point of order, after being addressed by the presiding officer, may be appealed to the body.

***News Media.***

The council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Workspace shall be reserved for members of the press at council meetings so that they may observe and hear proceedings clearly. The terms "news media" "press" and "representative of the press" for the purpose of these rules are interchangeable and mean someone who:

- A. Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and either
- B. Regularly reports on the activities of government or the governing body; or
- C. Regularly reports on the particular topic to be discussed by the governing body in executive session.

***Order and Decorum.***

A law enforcement officer of the city may be sergeant-at-arms of the council meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purposes of maintaining order and decorum at the council meeting.

- A. Any of the following shall be sufficient cause for the sergeant-at-arms to, at the direction of the presiding officer, or by a majority of the council present, remove any person from the council chamber for the duration of the meeting:
  - 1. Use of unreasonably loud or disruptive language or noise.
  - 2. Engaging in violent or disruptive action, including any violence towards any person.
  - 3. Willful damage to city or private property.
  - 4. Refusal to obey these rules or other applicable regulations, including limitations on occupancy and seating capacity.
  - 5. Refusal to obey an order of the presiding officer or an order issued by a councilor that has been approved by a majority of the council present.

B. Before the sergeant-at-arms is directed to remove any person from a council meeting for conduct described in this section, that person shall normally be given a warning by the presiding officer to cease his or her conduct. A warning is not required in case of immediate threat to person or property. If a meeting is disrupted by one or more members of the audience, the presiding officer or a majority of the council present may declare a recess and/or order that the council chamber be cleared.

***Order of Business.***

The city manager shall arrange the order of business to achieve an orderly and efficient meeting. In general, the order of business will be as follows:

- I. Roll Call
- II. Proclamations, Recognitions, Special Presentations
- III. Consent Calendar
- IV. Council Members' Reports and Comments
- V. Officers' Reports
- VI. Discussion Items (Items that do not require immediate council action, such as presentations, discussion of potential future action items)
- VII. Public Comment (Normal maximum per person 3 minutes, but may be adjusted based on number of persons wishing to comment. Any person who does not get an opportunity to comment will be allowed to comment during Agenda Item VIII.)
- VII. Action Items (Items expected to result in motions, resolutions, orders or ordinances)  
  
Each action item that requires a public hearing shall be clearly identified as a public hearing. Public hearings shall be set before other items in this section of the agenda. Hearings will be noticed for 7pm.
- VIII. Public Comment (Additional time for public comment – 5 minutes per speaker)
- IX. Unfinished Items from IV, V or VI
- X. Adjournment

***Ordinance Reading and Adoption.***

All ordinances and resolutions shall be prepared under the supervision of the city manager or city attorney. Any ordinance or resolution not prepared by the city attorney shall be reviewed and approved as to form by the city attorney.

Ordinances and resolutions may be introduced by a member of the council, the city manager, the city attorney or any department head.

- A. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to Resolution Number only and shall be effective upon adoption. A roll-call vote is not required for resolutions unless it is unclear whether a majority favor the resolution.
- B. Ordinances shall be adopted as provided by the charter. Failure to comply with post-adoption signature requirements shall not invalidate an ordinance.
- C. Non-emergency ordinances shall be effective on the thirtieth day following the date of adoption, unless the ordinance provides that it will become effective at a later time. An emergency ordinance which includes a provision that the ordinance

is necessary for immediate preservation of the public peace, property, health, or safety may provide that it will become effective upon adoption or other time less than 30 days after adoption.

D. Ordinances shall be adopted by roll-call vote.

***Planning Commission Testimony.***

The planning commission was established in compliance with state statute to make recommendations to the city council on general land use issues and to act as a hearing body for the city. In an effort to maintain the impartiality of the planning commission, especially in cases where issues can be remanded by the city council back to the planning commission for review, the following rules are established. For legislative land use matters before the council, commissioners may testify as a commissioner, as a commission representative if so designated by the commission, or as a citizen.

***Presiding Officer.***

The mayor shall be the presiding officer and conduct all meetings, preserve order, enforce the rules of the council and determine the order and length of discussion on any matter before the council, subject to these rules. The council president shall preside in the absence of the mayor. The mayor may ask the council president to preside over all or part of a meeting at any time to provide the council president with experience in presiding over council meetings. The presiding officer shall not be deprived of any of the rights and privileges of a council member. In case of the absence of the mayor and the council president, the city manager shall call the meeting to order and the council shall elect a chairperson for the meeting by majority vote. The mayor or council president shall not be considered present if they are disqualified from participation in a matter.

***Public Comment at Council Meetings.***

The council shall allow a general public comment period at each regularly scheduled meeting, but need not allow public comment at emergency and special meetings. Comments at the general public comment period should normally be limited to matters related to city government and that are properly the object of council consideration. The presiding officer shall exercise discretion in controlling public comment. Comments relating to a public hearing that has been closed but not finally resolved are not properly the object of council consideration. Any comments on an item on the council agenda should be made during the discussion of the specific agenda item, rather than in the general council session. The council may allow comment on any council action item other than an item on which comments have been received and the public testimony portion of the hearing or other agenda item has been closed. Comments on any item that are expected to come before the council as a quasi-judicial land use matter shall not be permitted outside the scope of the land use hearing on the matter.

***Public Hearings and Participation.***

Except when a public hearing is expressly required by applicable law, members of the public do not have the right to speak on items on the council agenda.

Nevertheless, the council will normally allow public comment on action items, but is not required to do so. The council may limit public comment and may disallow further public comment.

Different public hearings have different standards. If applicable law provides for a public hearing but does not regulate the type of hearing, the council will allow any person with a right to a hearing to present written and oral testimony and argument. The council may limit the time of oral testimony and argument.

Some public hearing law provides a right to a hearing to certain persons, but not to others. The council shall allow persons with a right to a hearing to speak, but may prohibit or limit participation by others.

***Land Use Public Hearings.***

**A. Conducting Legislative Hearings:**

1. The presiding officer shall announce the nature of the matter to be heard as it is set forth on the agenda.
2. Discussion of conflict of interest of council members.
3. The presiding officer will then declare the hearing to be open and invite members of the audience to be heard in the following order:
  - a. Staff report of topic, including any material added to the record.
  - b. Persons wishing to speak on the matter.
  - c. Additional staff comments.
  - d. Close of public hearing.
  - e. Council deliberation and vote.

**B. Conducting Quasi-Judicial Land Use Hearing: Conduct of quasi-judicial hearings shall conform to the requirements of state law and applicable ordinances. The procedure shall normally be as follows:**

1. Announcement of the matter to be heard.
2. Statement of the procedure to be followed.
3. Notice that failure to address a criterion or raise any other issue with sufficient specificity precludes an appeal to the Land Use Board of Appeals on that criterion or issue.
4. Discussion of jurisdiction, impartiality, conflict of interest, ex parte contacts.
5. Staff introduction of appeal, including discussion of additional items included in the record.

6. Appellant's presentation.
7. Other testimony in support of the appeal.
8. Applicant's testimony, if not the appellant.
9. Testimony in opposition to the appeal.
10. Neutral testimony.
11. Staff response, if necessary.
12. Appellant's rebuttal testimony.
13. Applicant's rebuttal testimony (If not the appellant).
14. Questions from the council to staff and others for clarification, with opportunity for rebuttal.
15. Closure of public hearing, no further information from the audience.
16. Initial discussion by council.
17. Motion
18. Further discussion.
19. Decision.

The council has the discretion to adopt findings or direct the staff or prevailing party to submit proposed findings for council consideration and adoption at a future meeting.

C. If there are objections to the jurisdiction of the city council to hear a matter, the presiding officer may terminate or continue the hearing if the council determines it lacks jurisdiction or the procedural requirements of any code or ordinance provision were not met, or take other action as appropriate under the circumstances.

D. For quasi-judicial review hearings, all written arguments or other documents presented to council for consideration must be submitted to the community development department by 5:00 p.m. on the date of the scheduled hearing. All other written materials must be presented in person at the hearing.

***Public Members Addressing the Council.***

Each person addressing the council shall submit a completed testimony form to the city recorder. A separate form must be completed for each item desiring to be addressed.

A. When called by the presiding officer, those wishing to address the council shall come to the designated area and state their name. They shall limit their remarks to the time allocated by the presiding officer or council. They should address all remarks to the council as a body and not to any member thereof.

B. No person, other than the council, the city manager, the city attorney and the person having the floor, shall be permitted to enter into any discussion, without the permission of the presiding officer. Questions from the public shall be asked of a councilor or staff through the presiding officer. No public member will be allowed to speak more than once on a particular agenda item, except where rebuttal is required or authorized by law or leave to do so is granted by the council.

C. Except when public testimony is allowed by right, the presiding officer will determine whether public comments will be allowed on specific agenda items. The decision whether to allow public testimony will be based on the subject matter, prior opportunity for comment, and the length of the particular agenda. Any person making personal, offensive, or slanderous remarks, or who becomes threatening, or personally abusive while addressing the council may be requested to leave the meeting. The presiding officer has the authority to preserve order at all meetings of the council, to cause the removal of any person from any meeting for disorderly conduct, and to enforce the rules of the council. The presiding officer may request the assistance of a sergeant-at-arms to restore order at any meeting.

D. Testimony shall be relevant to the topic of the agenda item and not redundant. The presiding officer may terminate redundant and/or irrelevant testimony. Pre-hearing testimony on quasi-judicial land use actions that may come before the council will not be permitted.

E. The intent of this section is not to stifle public debate, but to provide guidelines to allow meaningful and productive comment and debate.

### ***Public Records.***

The disposition of public records created or received by individual council members shall be in accordance with Oregon public records law. Written information incidental to the official duties of a member of the city council, including electronic mail messages, notes, memos and calendars (e.g., "Daytimers") are public records and are subject to disclosure under the public records law.

### ***Quorum.***

The quorum requirement for the conduct of council business is four council members.

***Reconsideration of Actions Taken.***

A member who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the council. However, nothing in this section precludes a new motion on the same subject matter as a previous decision with the possibility of a different result.

***Representing the City.***

When a member of the city council represents the city before another governmental agency, before a community organization or media, the official should first indicate the majority position of the council if there is one. Personal opinions and comments may be expressed only if the council member clarifies that those statements do not represent the position of the council.

A. The effectiveness of city lobbying in Salem or in Washington, D.C., depends on the clarity of the city's voice. When council members represent the city in a "lobbying" situation, it is appropriate that the council members avoid expressions of personal dissent from an adopted council policy.

B. When council members attend meetings of organizations such as the League of Oregon Cities or the National League of Cities and their boards and committees, they do so as individual elected officials and are free to express their individual views. If the city council has an adopted policy relating to an issue under discussion, the council member is expected to report that fact.

C. By resolution, the council may appoint one or two of its members to act as negotiators with groups, individuals, or other governmental entities. Any agreements made by such negotiators shall require approval of the council as a whole to take effect.

***Special Meetings.***

The mayor, or in the mayor's absence the president of the council, may, or at the request of two or more members of the council shall, call a special meeting of the council. The city manager may also call a special meeting of the council.

A. Written notice of a special meeting shall be directed to each member of the council at least 24 hours in advance of the meeting. The notice shall be served on each member personally or electronically, or if the council member is not found, left at his or her place of residence. All notice requirements of state law shall be satisfied before any special meeting can be conducted.

B. Special meetings of the council may also be held at any time by common consent of all members of the council subject to notice requirements being met. Council members shall keep the city manager informed of their current telephone numbers.

C. Because of the possibility of special and emergency meetings, council members should normally advise the city manager if they will be absent from the city for more than 24 hours. Advising the city manager of absences is particularly important if the council member will be in a location or involved in an activity that limits electronic communication.

***Suspension of Rules.***

These rules may be suspended upon an affirmative vote of 75 percent of those voting when a quorum of the council is present. Suspension of the rules should only occur in cases of extreme necessity.

***Vacancies on Boards, Commissions and Committees.***

The mayor, with the consent of the council, shall appoint all members of boards, commissions and committees and appoint persons to fill all vacancies. The mayor may request the city manager to seek applications from interested candidates. The council may interview applicants for the planning commission and budget committee.

***Vacancies on the Council.***

Upon declaring a vacancy on the city council, the council will fill the vacancy under provisions of the city charter. The vacancy will be advertised and applications will be accepted. After the filing deadline has passed, the council will conduct public interviews of all applicants. The council will make a decision to fill the vacancy in a public meeting.

***Voting.***

Every council member, when a question is taken, shall vote unless a majority of the council present, for special reason, allows the council member to abstain. The council member must declare the intent to abstain prior to the vote.

A. No council member shall be permitted to vote on any subject in which he or she has a conflict of interest.

B. The concurrence of a majority of the council members voting when a quorum is present at a council meeting shall be necessary to decide any question before the council.

***Work Sessions.***

Work sessions of the city council shall be held in accordance with the Oregon Public Meetings Law.