CITY OF West Linn

Memorandum

Date: **January 25, 2011**

To: **John Kovash, Mayor**
Members, West Linn City Council

From: **Chris Jordan, City Manager**

Subject: **Council Rules**

In accordance with section 13 of the Charter, which states: *"It (the Council) shall adopt rules for the government of its members and proceedings,"* I have attached a redlined version of the most recently adopted Council Rules. The edited version includes some possible amendments for Council consideration based on comments I have received from members of the Council as well as observations of the staff.

Typically, about once per year, the Council reviews its rules and makes any changes the Council deems necessary. Time permitting, the Council should review its rules during the retreat and, at a later Council meeting, adopt the amendments.

Attachment

Council Rules

Includes Suggested Staff Edits as Tracked Changes

~~December 2010~~January 2011

Agenda. The City Manager shall prepare an agenda of the business to be presented at a regular Council meeting. The agenda packet containing all agenda bills will be available for the City Council and public ten calendar days before a regular Council meeting. No items will be added to or removed from the agenda after the agenda packet is published without the approval of the City Council, which shall vote to approve the agenda at the beginning of each Council meeting.

A. A Council member may place or remove an item on a Council agenda by motion at the beginning of each Council meeting, additions and deletions to the agenda must be approved by a majority of the Council. Council members will endeavor to have subjects they wish considered submitted in time to be placed on the agenda, and shall attempt to notify the City Manager in advance of proposing changes to the agenda.

B. A Councilor who desires major policy or ordinance research should first raise the issue at a meeting under Council Business. The Council should consider items in light of City priorities and workload and agree to proceed with an issue or ordinance before staff time is spent preparing a report. The Councilor may present information or a position paper or ask for a department report or committee recommendation. Councilors who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before the Council for a vote.

Agenda Bill. Each item of Council business requiring Council action shall be accompanied by an Agenda Bill in a format approved by the Council.

~~**Annual Meeting with Leadership of Neighborhood Associations and Chamber of Commerce.** The City Council will meet at least annually with the leadership of the neighborhood associations and the West Linn Chamber of Commerce.~~

Comment [KW1]: This is not a rule. Each Council should have the discretion to meet (or not to meet) with any group or organization it so desires.

Annual Report of Boards, Commissions and Committees. Each board, commission and committee will annually report to the Council on its activities for the previous year. The report will be prepared in a format prescribed by the Council.

Attendance. Councilors will inform the Mayor and the City Manager if they are unable to attend any meeting. Additionally, the Mayor will inform the Council President and the City Manager regarding any absence by the Mayor.

Bias and Disqualification. Any proponent, opponent, or other party interested in a quasi-judicial matter to be heard by the Council may challenge the qualification of any Councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Councilor's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Councilor will not participate and make a decision in an impartial manner. Such challenges shall be made prior to the commencement of the public hearing. The Mayor shall give the

challenged member an opportunity to respond. Any challenge concerning the qualifications or bias of a Councilor by any party (who has standing) in the proceeding shall require a vote of the Council to accept or deny the challenge. The Councilor being challenged shall not vote unless required by the law of necessity to do so. Such challenges shall be incorporated into the record of the hearing.

A. In the case of a quasi-judicial matter that is heard by the Council, a Councilor must disclose his or her participation in a prior decision or action on the matter that is before the Council. A common example of this is when a Planning Commission member is elected or appointed to the City Council, or if a Councilor testifies at a Planning Commission meeting. The Councilor shall state whether he or she can participate in the hearing with an open mind and with complete disregard for the previous decision made. If the Councilor is unable to hear the matter impartially, the Councilor has a duty to disqualify him or herself.

B. If the City Council determines that the member is biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Councilor who has been disqualified from participating in a decision may participate in the proceeding as a private citizen if the Councilor is a party with standing.

City Manager Evaluation. The evaluation of the City Manager will be performed under the terms of the Manager's contract. If evaluation is not part of the contract, the Council shall evaluate the Manager every ~~six~~ twelve months using an agreed upon format.

Comment [KW2]: Past practice has been to evaluate the City Manager annually.

City ~~Newsletter~~Communications. As a general policy, the City ~~newsletter~~ communications tools (including, but not limited to: newsletter, website, mailers, postcards, bulletin boards and email newsletters) should be used for only City government related articles, leaving community articles to local newspapers. Events not sponsored entirely or partially by the City should not be allowed space in the newsletter. Requests for placement of articles in the newsletter shall be approved by the City Manager or designee.

Communication with Staff. Mayor and Councilors shall respect the separation between policy making and administration by:

A. Support the Council-Manager form of government by adhering to the policy of non-interference in the administration of day-to-day City business, which is directed by the City Manager.

B. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.

C. At all times respecting the administrative functions of the City Manager and various department heads, and refraining from actions that would undermine the administrative authority of the City Manager or department heads. However, ~~not withstanding~~notwithstanding the above, the Council's ability to judge the effectiveness of the City Manager shall not be hampered. In all events, the Council will abide by the City Charter and Municipal Code when dealing with the City Manager.

D. Limiting all inquiries and requests for information from staff or department heads to those questions that may be answered readily or with only the most minimal of research. Questions of a more complex nature shall be addressed to the City Manager or City Attorney. Such questions should, whenever possible, be put in writing. Questions requiring significant staff time or resources (one hour or more) shall require the approval of the majority of the Council. All written information given by the City Manager or City Attorney to the Mayor or a Councilor should be distributed to all the Councilors.

E. Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.

F. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of Council members.

All written informational material requested by individual Councilors and the Mayor will be submitted by staff to the entire Council with a notation indicating which Councilor requested the information.

Community Comment. General community comment is established to allow members of the public to speak for three minutes at ~~the beginning of~~ each regular Council meeting on any community matter other than specific agenda items. Council may adjust comment time according to the length of the agenda. Verbally abusive or slanderous comments are not allowed.

Councilors are not expected to engage in discussions while receiving comments. Later in the meeting, ~~during the business portion of the meeting,~~ Councilors may discuss concerns and direct questions to the City Manager with the understanding that answers from staff may not be immediately available.

Persons requesting to speak must first submit a completed testimony form to the City Recorder. When called upon, speakers shall first state their name and address for the record. Copies of written comments and materials are to be handed to the City Recorder to deliver to the Council and submit to the record. Sign in sheets will be **provided to record attendance.** If a speaker wishes to show a presentation, the presentation must be delivered to City staff 48-hours prior to the meeting.

Conferences and Seminars. Members of the Council are urged to educate themselves about local government. To that end, and as funding allows, Councilors are urged to attend the League of Oregon Cities functions. Requests to attend other government related conferences, training seminars and meetings will be presented to the Council for approval. Members of the Council who serve on committees or the boards of the League of Oregon Cities, the National League of Cities or other such government group will be reimbursed for reasonable expenses not covered by the respective body.

Confidentiality. Councilors 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 the information read or heard should be made to anyone other than other Councilors, the City Manager or City Attorney.

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 Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

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 Councilor.

C. The Council, by resolution, may censure a member who discloses a confidential matter.

Conflict of Interest. Generally, conflicts of interest arise in situations where a Councilor, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A relative means the spouse, children, siblings or parents of the public official. A Councilor 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.

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. An item removed from the consent agenda shall not receive public testimony unless agreed to by a majority of the rest of the Council. ~~The Mayor may request a vote of the Council to approve removal of an item from the Consent Agenda.~~ Any item removed from the Consent Agenda will be discussed and considered as the first business item of the meeting.

Council Rules. Pursuant to Chapter IV, Section 13, of the City Charter, the Council shall adopt Council rules. The Council shall review its rules at least once every two years. Amendments shall be adopted by a majority vote. The Council has an obligation to be clear and simple in its procedures and consideration of the questions coming before it. 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.

Emergency Meetings. In the case of an emergency, an emergency meeting may be called by

consent of all available Councilors upon such notice as is appropriate to the circumstances. 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. Councilors 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 the appropriate statutory limits of ORS 192.660. 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 or special meetings, so long as appropriate statutory limitations 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 (see also News Media).

B. A major reason for allowing members of the news media to attend Executive Sessions is 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 must be told that they may not report the substance of an Executive Session.

C. As determined by the Council, minutes may be taken or, in the alternative, a sound recording of the meeting may be made as provided for in ORS 192.650(2). Material discussed during an Executive Session should not be disclosed, as provided ~~inn~~in ORS 192.10 and 192.660.

D. The topic areas for which an executive session may be called consist of all items listed in ORS 192.660, including the following:

1. To consider the employment of a public officer, employee, staff members, or individual agent. This applies only to the employment of specific individuals. ORS 192.660 (a)

2. To consider the dismissal or disciplining of, or to hear complaints or charges against a public officer, employee, staff member, or individual agent, unless the individual requests an open hearing. ORS 192.660 (b)

3. To deliberate with persons designated by the governing body to carry on labor negotiations. ORS 192.660 (d)

4. To deliberate with persons designated by the governing body to negotiate real property transactions. ORS 192.660 (e)

5. To consider records exempt by law from public inspection. ORS 192.660 (f)

6. To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. ORS 192.660 (g)

7. To consult with counsel concerning legal rights and duties with regard to current litigation or litigation likely to be filed. ORS 192.660 (h)

8. To review and evaluate the employment related performance of the chief executive officer, a public officer, employee, or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. ORS 192.660 (i)

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 shall be marked for identification and referenced in the minutes. The exhibit or a copy thereof shall be provided to the meeting recorder.

Ex Parte Contacts and Disqualification. For quasi-judicial hearings, Councilors will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts are those by a party on a fact in issue under circumstances which do not involve all parties to the proceeding. Ex parte contacts can be made orally when the other side is not present, or they can be in the form of written information that the other side does not receive.

A. If a Councilor has ex parte contact prior to any hearing, the Councilor will reveal this contact at the meeting and prior to the hearing. The Councilor shall describe the substance of the contact and the contact and the presiding officer shall announce the right of interested persons to rebut the substance of the communication. The Councilor also will state whether such contact affects the Councilor's impartiality or ability to vote on the matter. The Councilor must state whether he or she will participate or abstain.

B. For quasi-judicial hearings, a Councilor may be disqualified from the hearing by a majority vote of the Council. The Councilor disqualified shall not participate in the debate, shall step down from the dais for that portion of the meeting, and cannot vote on that motion.

C. For quasi-judicial hearings, a Councilor who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Councilor has reviewed all the evidence and testimony received.

Expenses and Reimbursement. With the exception of quarterly stipends, Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, set forth in the policy manual. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) will require advance Council approval according to the purchasing rules which apply City wide. (Does the Council wish to decide what the stipend should be used for – for example, does it include mileage to/from meetings?)

A. The City does not reimburse Councilors for expenses incurred by their spouses.

(Oregon Government Standards and Practices Commission Advisory Opinion 93A-1007)

Filling 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.

Filling Vacancies on Boards, Commissions and Committees. When a vacancy occurs on any standing commission, board or committee the City Manager shall cause applications to be filed by all interested candidates. Candidates shall complete an application form. The Council will interview applicants for the Planning Commission and Budget Committee. The Mayor, with the consent of the Council, shall fill all vacancies of City committees, boards and commissions. (Note: this is a rather rigid process to follow all vacancies. Does the Council wish to allow for an expedited process for some vacancies?)

Flags, Signs and Posters. No flags, posters, placards or signs, unless authorized by the Mayor, may be carried or placed within the Council chambers in which the Council is officially meeting. This restriction shall not apply to arm bands, emblems, badges or other articles worn on personal clothing or individuals, provided that such devices do not interfere with the vision or hearing of other persons at the meeting or pose a safety hazard.

Gifts. 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 receive prior approval from the Mayor or a consensus of the Council.

Government ~~Standards and Practices~~ Ethics Commission Requirements and Reporting. Councilors 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.

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

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 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 whole.

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

Formatted: Left, Indent: Left: 0 pt, Space After: 0 pt, Line spacing: single

B. ~~In general, Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed 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.~~

C. In accordance with ORS 244.~~195~~162, it is the Councilor's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission. Each year, on or around April 1st, Councilors will be sent a Statement of Economic Interest form from the Government Standards and Practices Commission. Councilors should complete the form and return it directly to the Commission. It is important to complete the form in a timely manner; failure to do so may result in the imposition of a civil penalty and/or removal from office. Councilors are also responsible for filing a Supplemental Statement of Economic Interest with the Government Standards and Practices Commission within 30 days of leaving office.

Legal Advice. Requests to the City Attorney for advice requiring more than fifteen minutes of legal research shall not be made by a Councilor or the Mayor except with the concurrence of the majority of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique and sensitive personal, yet City business-related requests. The City Attorney shall in either case provide any written response to the full Council and City Manager, except as noted above.

Liaison to Boards, Commissions and Committees. To facilitate the exchange of information between the Council and its advisory bodies and standing committees, the Mayor will at least annually make liaison appointments to City boards, commissions and committees. Councilors shall respect the separation between policy making and advisory boards, commissions and committees by:

A. Not attempting to lobby or influence boards, commissions and committees on any item under their consideration. It is important for the advisory body to make objective recommendations to the Council on items before them.

B. Attending meetings of assigned liaison bodies, but should avoid becoming

involved in the body's discussions without first explaining his or her role as a Council liaison.

C. Not voting at the body's meeting on any item.

Litigation. The Council will meet in Executive Session with the City Manager and City Attorney within 30 days of the City's receipt of:

Comment [KW3]: (Note: The City has not always followed this practice because some litigation has not required such a formal process.)

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

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, 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. The City Manager shall designate a staff or contract person as a meeting recorder who will attend all Council meetings and keep the official journal (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.

Meeting Times. The Council may meet regularly at 6:30~~:00~~ p.m. on the second and fourth Monday of each month in the Council Chambers. Such meetings may be preceded by a work session at 6:00 p.m., which shall be open to the public. Council meetings which exceed ~~four~~ three hours in length shall be continued to the following evening ~~or~~ the following Council meeting unless extended by majority vote of the Council. Should the need arise, any member of the Council may request a short break.

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

A. The minutes of meetings of the Council shall comply with provisions of ORS 192.650 by containing the following information at a minimum:

1. The name of Councilors 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 Councilors 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 Manager 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 such a change by subsequent vote.

Motions. When a motion is made, it shall be clearly and concisely stated by its ~~mover~~maker. Councilors 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 Councilor who made the motion and the name of the Councilor 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 motion to table is not debatable unless made during a land-use hearing and precludes all amendments or debate of the issue under consideration. If the motion prevails, the matter may be taken from the table only by adding it to the agenda of the next regular Council meeting at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.

E. A motion to postpone to a certain time is debatable and amendable, and may be reconsidered at the same meeting. The question being postponed shall be considered at a later time at the same meeting or at a specified time in the future. A motion to postpone indefinitely is debatable and is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote. The object of this motion is not to postpone, but to reject the question without risking a direct vote when the maker of this motion is in doubt as to the outcome of the question.

F. A motion to call for the question shall close the debate on the main motion and is not debatable. This motion must receive a second and fails without a majority vote. Debate is reopened if the motion fails.

G. 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.

H. Motions that cannot be amended include motion to adjourn, agenda order, lay on the table, reconsideration, and take from the table.

I. A motion to amend an amendment is in order.

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

K. Council will discuss a motion only after the motion has been moved and seconded.

L. The motion maker, Presiding Officer, or meeting recorder should repeat the motion prior to voting.

M. The Council President will originate all procedural motions.

N. A motion to continue or close a public hearing is debatable.

O. 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. See also Executive Sessions. 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 Mayor for the purposes of maintaining order and decorum at the Council meeting. If the Sergeant-at-Arms determines that the actions of any person who violates the order and decorum of the meeting constitutes a violation of any provision of the West Linn Municipal Code, the Sergeant-at-Arms may place such person under arrest and cause such person to be prosecuted under the provisions of the Municipal Code, or take other appropriate action as outlined in the West Linn Official Police Manual Revised.

A. Any of the following shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Mayor, 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, including personal, offensive or slanderous remarks, or actions that are boisterous, threatening or personally abusive.

2. Making of loud or disruptive noise, including applause.

3. Engaging in violent or distracting action.

4. Willful injury of furnishings or of the interior of the Council chambers.

5. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.

6. Refusal to obey an order of the Mayor or an order issued by a Councilor which 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 be given a warning by the Mayor to cease his or her conduct. If a meeting is disrupted by members of the audience, the Mayor 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 have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting with final approval of the Mayor. In general, the order of business will be as follows:

A. Call to Order and Pledge of Allegiance to the Flag
B. Approval of Agenda
C~~B~~. Proclamations, Recognitions and Scheduled Presentations to the Council
D~~C~~. ~~Community Comments~~Consent Agenda
E~~D~~. Community Comments
F. Business Meeting
1. ~~Consent Agenda~~Items removed from the Consent Agenda
~~2. Items pulled from the Consent Agenda~~
~~3. Report from the City Manager~~
~~4. Business from the Council~~
5. Public Hearings
6. Ordinances and Resolutions
7. Other Business

G. Report of the City Manager
H. Report of the City Attorney
I. Business from the Council
J. Adjoun

Formatted: Indent: Left: 36 pt, Space After: 0 pt, Line spacing: single

The Mayor will use the gavel to commence the meeting, after each vote and to close the meeting.

Ordinance Reading and Adoption. All ordinances and resolutions shall be prepared under the supervision of the City Manager and 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 the title only and effective upon adoption.

B. The Council may adopt an ordinance in any of the following circumstances:

1. Before being considered for adoption, the ordinance has been read in full at two separate Council meetings;

2. At a single meeting by unanimous vote of the whole Council, after being read twice by title only;

3. Any of the readings may be by title only if no Council member requests to have the ordinance read in full or if a copy of the ordinance is provided for each Council member and three copies are provided for public inspection at the City offices not later than one week before the first reading of the ordinance, and if notice of their availability is given forthwith upon the filing, by written notice posted at City Hall and two other public places in the City or by advertisement in a newspaper of general circulation in the City. An ordinance enacted after first being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

4. Upon the enactment of an ordinance the custodian of records shall sign it with the date of its passage and the endorser's name and title of office and thereafter the Mayor, or President of the Council acting pursuant to Section 18 of the City Charter, shall sign it with the date of its passage and the endorser's name and title of office. Failure of the Mayor or the President of the Council to sign it shall not invalidate it.

C. Ordinances shall be effective on the thirtieth (30th) 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, safety or morals may provide that it will become effective upon adoption.

D. Ordinances and resolutions 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. For quasi-judicial hearings or petitions for review before the Council, Commission members, who have participated in the preceding Commission decision, may not testify before the Council on the respective matter.

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 Presiding Officer shall not be deprived of any of the rights and privileges of a Councilor. 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.

Public Members Addressing the Council on Agenda Items. Each person addressing the Council shall first complete a testimony form and give it to the ~~meeting recorder~~ City Recorder ~~or Council President~~ prior to discussion of an item on the agenda. A separate form must be completed for each item desiring to be addressed.

A. When called by the ~~Council President~~City Recorder, those wishing to address the Council shall come to the designated area and state their name and address in an audible tone. They shall limit their remarks to three (3) minutes unless the Council decides prior to a particular agenda item to allocate more or less time. They should address all remarks to the Council as a body and not to any member thereof.

B. No person, other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Mayor. Questions from the public shall be asked of a Councilor or staff through the Mayor. No public member will be allowed to speak more than once on a particular agenda item. A member of the public wishing to testify cannot cede their minutes to another.

C. The Council shall maintain a forum allowing citizens to testify regarding City-related issues, policy, and Council decisions. Any person making personal, offensive, or slanderous remarks, or who become boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. The Mayor 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 Mayor may request the assistance of Sergeant-at-Arms to restore order at any meeting.

D. The Mayor will determine which items on the agenda will receive public testimony. Generally, the decision will be based on the length of the particular agenda. By motion, a Councilor can request testimony if approved by a majority of the Council.

E. Testimony shall be relevant to the topic of the agenda item and not redundant. The Mayor may terminate redundant and/or irrelevant testimony.

Public Hearings.

A. Conducting Legislative Hearings:

1. The Mayor shall announce prior to each public hearing the nature of the

matter to be heard as it is set forth on the agenda.

2. Discussion of conflict of interest of the West Linn City Council and Councilors.

3. The Mayor 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.
   b. Correspondence.
   c. Persons wishing to speak on the matter (3 minutes each).
   d. The Mayor will call for additional staff comments.
   e. Close the public hearing.
   f. Council deliberation and vote.

B. Agenda items that are not public hearings do not require public testimony.

C. Conducting Quasi-Judicial Hearing: Conduct of quasi-judicial hearings shall conform to the requirements of ORS 197.763 and the West Linn Community Development Code including, but not limited to the following:

1. The Mayor or City Attorney shall announce prior to opening the hearing the nature of the matter to be heard as it is set forth on the agenda and the procedure to be followed for the hearing.

2. The Mayor shall give 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.

3. Discussion of jurisdiction and impartiality of the West Linn City Council and Councilors.

4. Staff introduction of appeal.

5. Correspondence.

6. Appellant's presentation.

7. ~~Other testimony in support of the appeal.~~

8. Applicant's testimony, if appropriate.

9. ~~Opponent's testimony.~~ Public Testimony

10. ~~Neutral testimony.~~

11. Staff response, if necessary.

12. Appellant's rebuttal testimony (if not the applicant).

13. Applicant's rebuttal testimony.

14. Questions from the Council to staff.

15. Closure of public hearing, no further information from the audience.

16. Motion for the purpose of deliberation.

17. Discussion by Council and decision.

18. 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. If adoption of findings is postponed to allow staff or prevailing party to submit findings, the Council will allow written comments on the findings only by both proponents and opponents prior to adoption.

D. If there are objections to the jurisdiction of the City Council to hear a matter, the Mayor shall terminate the hearing if the inquiry results in substantial evidence that the Council lacks jurisdiction or the procedural requirements of any code or ordinance provision were not met.

E. For quasi-judicial review hearings, all written arguments or other documents present to Council for consideration must be submitted to the City Manager's office by 5:00 p.m. seven calendar days prior to the date at which the review request is scheduled to be heard. All other written materials must be presented in person at the hearing.

Public Records. The disposition of public records created or received by Councilors 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., "Day timers") are public records and are subject to disclosure under the Public Records Law.

Questioning of Staff by Council Members. Every Council member desiring to question the staff during a Council meeting shall address the questions to the City Manager, who shall be entitled to either answer the inquiry or designate a staff member to do so.

Quorum. The quorum requirement for the conduct of Council business is three 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.

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. Personal opinions and comments may be expressed only if the Councilor 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 Councilors represent the City in a "lobbying" situation, it is appropriate that the Councilors avoid expressions of personal dissent from an adopted Council policy.

B. When Councilors 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 Councilor 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.

Robert's Rules of Order. Robert's Rules of Order will be used to address any Issues regarding parliamentary procedure that are not addressed by the Council Rules.

Formatted: Underline

Formatted: Underline

Speaking by Council Members. Any Councilor desiring to be heard shall be recognized by the Mayor, but shall confine his or her remarks to the subject under consideration or to be considered. Councilors will be direct and candid. Councilors will speak one at a time, allowing one another to finish.

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 for the Council.

A. Written notice of a special meeting shall be given 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 Councilor is not found, left at his or her place of residence. All notice requirements of ORS 192.640 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. Councilors shall keep the City Manager informed of their current telephone numbers.

Suspension of Rules. These rules may be suspended upon an affirmative vote of 75 percent of a quorum of the Council. Suspension of the rules should only occur in cases of extreme necessity and for no other reason.

Televising of Council Meetings. Acknowledging that the citizenry of West Linn is generally a sophisticated and interested viewing audience, regular business meetings of the Council will be covered gavel-to-gavel live on the City's government access cable channel. ~~Videotapes~~ Video recordings will be kept permanently.

A. To enhance viewer interest and understanding of the subject matter, televised meetings of the Council shall, whenever practical, employ the highest technical quality and techniques, such as multiple camera angles and informational captioning. The producer/camera operator should set the scene for the viewer of each agenda item with a planned series of shots in accordance with the City's camera operator's guide.

B. It is intended that Council meetings be televised in an unbiased, even-handed manner, using camera shots that are appropriate for individual Councilors, witnesses and audience members and are relevant to the discussion.

C. 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 videotaped Council meetings may be used in other news and informational broadcasts provided they are not portrayed out of context.

D. Regular business meetings of the Council shall be televised live and simultaneously videotaped for subsequent replay on the government access channel. Meetings shall be televised and taped in accordance with policies and procedures approved by the City Manager, including the camera operator's guide.

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

A. No Councilor 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 present at a Council meeting shall be necessary to decide any question before the Council. The meeting recorder shall call the roll, and the order of voting shall be rotated on each question such that each Councilor, excluding the Mayor, has an equal opportunity to vote first and second to last. Since the Mayor acts as chair, the Mayor in all instances shall vote last.

Work Sessions. Work sessions of the City Council shall be held in accordance with the Oregon Public Meetings Law (ORS 192.6-710). Whenever circumstances require such a session, it shall be called by ~~either the~~the Mayor, City Manager, or two or more Councilors.
~~or t~~