

City of West Linn

COUNCIL RULES

Adopted June 24, 2019

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Section A: Authority, Council Vacancies, and Terminology

1) **Authority.** Pursuant to Chapter IV, Section 13, of the West Linn City Charter ("the 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 rules are established protocols for conducting business in accordance with the City Charter. They are not intended to replace or supersede any applicable federal or state laws or regulations, or provisions of the Charter. Any conflict between these Rules or those laws and regulations previously mentioned will result in the laws and regulations taking precedence. These rules may be suspended upon an affirmative vote of the Council.

2) **Council Vacancies.** The office of a member of the Council becomes vacant:

- a. Upon the Councilor's:
 - i. Death;
 - ii. Adjudicated incompetence; or
 - iii. Recall from the office; or
- b. Upon declaration by the Council of the vacancy in case of the Councilor's:
 - i. Failure, following election or appointment to the office, to qualify for the office within ten (10) days after the time for the term of office to begin;
 - ii. Absence from the City for 30 days without Council's consent or from all meetings of the Council for a 60-day period;
 - iii. Ceasing to reside in the City;
 - iv. Ceasing to be a qualified elector under Oregon law;
 - v. Conviction of a public offense punishable by loss of liberty; or
 - vi. Resignation from the office.

The Council will fill the vacancy of the office in accordance with Chapter VII, Section 31 of the Charter.

3) **Terminology.** The terms "Council" and "Councilors" include the Mayor. The "Mayor" is noted specifically when they have a duty or responsibility in addition to their role as a member of "Council." The term "Council" means City Council.

Section B: Meeting Time, Location, and Frequency

- 1) **Public Meetings Law.** A public meeting is any meeting conducted by a state, regional or local governing body to decide or consider any matter. Thus, any meeting conducted by this Council in which a matter is decided or considered must comply with Oregon's Public Meetings Law (ORS 192.610 – 192.690).
- 2) **Regular Meeting.** In accordance with the Chapter IV, Section 13 of the Charter, the Council shall hold a regular meeting to conduct Council business at least once each month in the City. This meeting will usually be on the second Monday of the month, beginning at 6:30 p.m., unless otherwise designated. If necessary, a second regular meeting may be scheduled, usually on the fourth Monday of the month. Such meetings will be preceded by a pre-meeting session at 5:00 p.m. unless changed by consent of the Council. These pre-meetings are intended to be procedural and administrative, not deliberative.
- 3) **Work Sessions.** Work sessions are permitted to present information to the Council ahead of regular or special meetings. Work sessions are subject to Oregon's Public Meetings Law, ORS 192.610 to 192.690, and the Council shall not take any formal or final action on any matter during the work session. Work sessions are typically scheduled on the first and third Monday of the month, beginning at 6:00 p.m. If circumstances require an additional work session, it shall be called by the Mayor, City Manager, or two or more Councilors and scheduled when a quorum of the Council is available and when staff and a public venue for the session are available. Public comment will be taken at the beginning of each Work Session or at another time if allowed by the Mayor.
- 4) **Executive Sessions.** An executive session (meeting closed to the public) may be held in accordance with the appropriate statutory limits of ORS 192.660(2). All proposed executive sessions shall be attended by the City Attorney or designated legal advisor. All Councilors shall be consulted for availability before an executive session is scheduled. Staff shall properly arrange and notice the executive session on the City's online meetings/agenda page within 24 hours after being scheduled. All executive sessions shall be audio recorded as provided for in ORS 192.650(2) unless the Council determines that written minutes should be taken. Material discussed during an Executive Session shall be governed by ORS 192.610 and 192.660. Representatives of the news media shall be allowed to attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. No executive session may be held for the purpose of taking any final action or making any final decision.

- 5) **Special Meetings.** Special meetings are to be utilized only when absolutely necessary, and public comment shall be taken at all special meetings. The Mayor, or in the Mayor's absence the President of the Council, may, or at the request of two or more Councilors, call a special meeting for the Council in accordance with state law. Special meetings will typically be scheduled in a similar manner as a regular meeting, including a pre-meeting.
- a. Written notice of a special meeting shall be given to the Council, media and public, with as much advance (up to 10 days) notice as possible, and no less than 24 hours in advance of the meeting. The notice shall be served on each Councilor personally or electronically, or if the Councilor is not found, left at their place of residence. All notice requirements of ORS 192.640 shall be satisfied before any special meeting can be conducted.
- 6) **Emergency Meetings.** Emergency meetings are special meetings called on less than 24 hours' notice. Such meetings may be called by consent of all available Councilors upon such notice as is appropriate to the circumstances. Council shall identify why the meeting was called on an emergency basis immediately upon calling the meeting to order. This shall also be specifically identified in the minutes of the meeting. 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.
- a. Special meetings of the Council may also be held at any time by common consent of all Councilors subject to notice requirements being met. Councilors shall keep the City Manager informed of their current telephone numbers.
- 7) **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. 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.

- 7) **Location**. Council meetings shall be held at City Hall. In the event City Hall is not available for a meeting, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the City.

Section C: Meetings and Protocols

- 1) **Parliamentary Procedure.** The Council shall use the latest version of Robert's Rules of Order (<http://www.rulesonline.com/rror-12.htm> as of 5-22-19) as a guideline for parliamentary procedure unless these rules provide a different guideline or Council changes them pursuant to Section A 1), above.
- 2) **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 President pro tempore for the meeting by majority vote.
- 3) **Agenda.** The City Manager shall coordinate with the Presiding Officer on the preparation of an agenda of the business to be presented at every Council meeting. This agenda should be consistent with the City's business needs, Council's priorities, and prior scheduling discussions. Council Work Session agendas will be published the Thursday prior to the Work Session. The agenda packet containing all agenda bills will be available for the 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 Council, which shall vote to approve the agenda at the beginning of each Council meeting.
 - a. When two or more Councilors present an item to be put on a future agenda, the Mayor and City Manager shall schedule it as soon as possible, but within four weeks unless the Council majority agrees on a later date.
 - b. A Councilor may place or remove an item on a current 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. No action shall be taken on items that are not on the agenda without first modifying the agenda by motion. Councilors 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.
 - c. A Councilor who desires major policy or ordinance research should first raise the issue at a work session or 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.

- d. Council and staff will discuss upcoming agendas and competing priorities at each meeting including the possibility of a future meeting without full background materials from staff or make an interim decision on timing and process.

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

5) **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 Presiding Officer. 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. Public Comments (five minutes per speaker)
- d. Announcements, Proclamations, and Recognitions
- e. Scheduled Presentations to the Council
- f. Consent Agenda
- g. Business Meeting
 - i. Items removed from the Consent Agenda
 - ii. Public Hearings
 - iii. Ordinances and Resolutions
 - iv. Other Business
- h. Mayor and Council Reports
 - i. City Manager Report
 - j. City Attorney Report
- k. Adjourn

The Presiding Officer may use the gavel to commence the meeting, to maintain order, after each vote, and to close the meeting.

6) **Quorum.** A majority of members of the Council shall constitute a quorum for its business. In the event a quorum is not present, the Councilors present shall adjourn to some fixed time.

7) **Order and Decorum.** All members of the public are encouraged to follow the Council's Guidance for Civil Discourse (<https://westlinnoregon.gov/citycouncil/council-guidelines-civil-discourse>) and are expected to follow all points of order as set forth by the Presiding Officer during public comment session and throughout entirety of the Meeting.

The Presiding Officer shall preserve order and decorum and decide all points of order, subject to appeal in the Council.

- a. Any of the following shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Presiding Officer, remove any person from the Council chamber for the duration of the meeting:
 - i. Engaging in disruptive, dangerous, or threatening behavior. A person disrupts a meeting of the Council if the person engages in any conduct that obstructs or impedes the orderly carrying on of the business of the meeting. Such conduct includes, but is not limited to:
 1. Any conduct that substantially prevents any other person from hearing, viewing or meaningfully participant in the meeting;
 2. Any conduct that substantially interferes with ingress or egress to or free movement within the Council meeting;
 3. Shouting over or otherwise disrupting, any person who is recognized by the Presiding Officer;
 4. Any conduct that substantially interferes with City business conducted by the City staff present at the session; or
 - ii. Failure to obey any reasonable direction of the Presiding Officer.
- b. Before the Sergeant-at-Arms is directed to remove any person from a Council meeting for conduct described in this section, the Presiding Officer shall give a warning to cease and desist from such the conduct. If a meeting is disrupted by 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.
- c. Any person removed from the Council meeting may still submit written testimony or materials to the Council Clerk for inclusion in the record.
- d. 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.

8) 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 approved by a single motion “to adopt the consent agenda” which shall not be debatable. Any Councilor can request to move an item from the Consent Agenda to the regular Agenda for further discussion.

9) 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 Councilor, 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:
 - i. Before being considered for adoption, the ordinance has been read fully and distinctly in opening Council meetings on two different days.
 - ii. At a single meeting by unanimous vote of the whole Council, after being read twice by title only, as long as no Council member requests the ordinance to be read in full. In the event such request is made, the ordinance may be adopted at a single meeting by unanimous vote of the Council upon being read first in full and then by title.
 - iii. Any of the readings may be by title only if no Councilor present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each Councilor 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.
 - iv. 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 shall include a statement of explanation regarding the basis for the declaration of emergency, shall become effective upon adoption.
- d. Ordinances and resolutions shall be adopted by roll-call vote.

10) 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.

11) Motions. When a motion is made, it shall be clearly and concisely stated by its 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 maker 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 it 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. A motion to continue or close a public hearing is debatable.

- n. A point of order, after being addressed by the Presiding Officer, may be appealed to the body.

The City Attorney will attend all regular Council meetings unless excused and will provide either written or oral advice and opinions on legal matters. The City Attorney shall act as the Council's parliamentarian.

12) Speaking by a Councilor. Any Councilor desiring to be heard shall be recognized by the Mayor and shall confine their 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. All Councilors and the Mayor shall have an equal amount of time to speak specifically and succinctly on a subject.

13) Voting. Every Councilor, when a question is taken, shall vote. Secret ballots are prohibited. Absent compelling circumstance, Councilors should not abstain from voting. If a Councilor is planning 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 they have a conflict of interest.
- b. The concurrence of a majority of Councilors 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.

14) Reconsideration of Actions Taken. A Councilor 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.

15) Minutes. Written minutes of Council regular meetings will be taken by staff. Additionally, Council shall provide an audio, video, or digital recording of its meetings, which are the official records of the City.

Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law. The written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. Minutes shall include the following information:

- a. Members present;
- b. Motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;

- c. Results of all votes and the vote of each member by name;
- d. The substance of any discussion on any matter; and
- e. A reference to any document discussed at the meeting.

Staff will post draft notes online within two weeks of the meeting. Minutes will remain draft until approved. They will be posted on the agenda for approval at the next regular business meeting. Minutes made available to the public must be made available to persons with disabilities in a form usable by them.

16) Meeting Staffing. The City Manager shall attend all meetings of the Council unless excused therefrom by the Council or the Mayor. The City Manager should advise Council if unable to attend a meeting. 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 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.

17) Questioning of Staff by Council. Councilors 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.

18) 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.

19) General Public Comment. The Council shall maintain a forum allowing citizens to testify regarding City-related issues, policies, Council decisions, or any other matter. General public comment is established to allow members of the public to speak for five minutes at the beginning of each Council meeting and work session on any community matter other than specific items on the agenda. Councilors are expected to be respectful of a member of the public during public comment. Councilors should not engage in discussions while receiving

public comments as this part of the agenda is not meant for debate; however, Councilors may comment at the conclusion of the public comment period to correct the record as to any inconsistent or inaccurate information stated. Councilors may ask clarifying questions with the Presiding Officer's permission and may discuss concerns and direct questions raised by the public to the City Manager with the understanding that answers from staff may not be immediately available.

20) Specific Agenda Item Comments. Comments on specific agenda items will be taken during the time Council discusses them. The Mayor may adjust comment time according to the length of the agenda, but not the number of speakers without Council consent.

21) Verbal Comments and Testimony.

Each member of the public who desires to speak during public comment shall first complete a testimony form and give it to the City Recorder. A separate form must be completed for each item to be addressed.

When called by the City Recorder, each speaker shall come to the designated area and state their name and city of residence in an audible tone.

No member of the public will be allowed to speak more than once on a particular agenda item, except when speaking as a representative of a Neighborhood Association or Citizens Advisory Group. No member of the public will be allowed to cede their minutes to another person. Questions from the public shall be asked of a Councilor, City Attorney, or staff through the Presiding Officer.

No person, other than a Councilor and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Councilor, without the permission of the Presiding Officer.

22) Written Comments, Documents, and Testimony Forms.

- a. Any speaker who wishes to make an electronic presentation, must deliver the presentation to City staff at least two business days prior to the meeting or work session in order to be posted on the agenda. No speaker(s) shall be allowed to make an electronic presentation without it being posted two (2) business days prior to our meeting for computer security purposes; however hard copies may be provided at the meeting for each Councilor, City Recorder, City Manager, City Attorney and one (1) for the public.
- b. Written comments and documents must be submitted to the City Recorder by 4:00 PM, two business days before the meeting in order to have the comments posted on a particular agenda item prior to the meeting (City Hall is closed every other

Friday). Council will still receive written comments after this deadline but may not have time to read it before the meeting. All written material submitted after the deadline or during a meeting, will be added to the record.

- c. Any person bringing written comments or materials to the meeting shall give them to the City Recorder who will hand them to the Council and place them in the record.
- d. Comments submitted shall be read into the record upon request of the commentator or any member of Council subject to Section D 2), above.
- e. The testimony forms for land use hearings will have a place for citizens to mark if they are for, against, or neutral on the topic.

23) Neighborhood Association/Citizen Advisory Group Comments. A representative of a Neighborhood Association or a Citizen Advisory Group shall be granted up to 10 minutes to speak on items voted on or discussed by the neighborhood association, unless the time allotted for that agenda item was previously adjusted. A member of the public who has testified in their individual capacity is not disqualified from speaking in their representative capacity, as long as the person identifies the capacity at the beginning of their comments.

24) Flags, Signs and Posters. Flags, posters, placards, signs, or other similar items may be brought into Council chambers provided that such items do not impede the orderly carrying on of the business of the meeting.

Section D: Quasi-Judicial Land Use Matters

- 1) **Bias and Disqualification.** Prior to the commencement of a quasi-judicial hearing, each Councilor must disclose their previous pre-judgment, personal interest or participation in any manner or action on the matter to be heard and shall state whether they can participate in the hearing with an open mind. If the Councilor is unable to hear the matter impartially, the Councilor has a duty to step down from the hearing and participate as a citizen, if so desired.
 - a. Any person may challenge the qualifications or impartiality of any Councilor about to participate in the discussion and decision. The challenger must state facts relied upon from which the party has concluded that the Councilor will not likely participate and/or make a decision in an impartial manner. Such challenges shall be made prior to the commencement of the public hearing. The Presiding Officer shall then give the challenged Councilor an opportunity to respond. Any such challenge to a Councilor 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 recorded into the record of the hearing. If the Council majority determines that the Councilor is biased, it may disqualify the Councilor by majority vote from participating in a decision. In which case, the Councilor may participate in the proceedings as a private citizen if the Councilor is a party with standing.

- 2) **Conflict of Interest.** Councilors shall adhere to State laws concerning conflicts of interest. Conflicts of interest arise in situations where a Councilor 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. ORS 244.020. 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. ORS 244.120.

- 3) **Ex Parte Communications.** When Council receives any ex parte communication, Council should inform the citizen that the Council is interested in their perspective; however, because the Council is hearing the associated land use application, Council are advised to refrain from reading and responding to information outside of the public hearing process. Council should inform the citizen that the information received is being forwarded to staff for inclusion in the public record. Council shall then forward all ex parte correspondence received by staff as soon as possible for inclusion in the land use file and the record.

- 4) **Ex-Parte Contacts and Disqualifications.** In the case of quasi-judicial decisions, Ex-parte contacts consist of being party to any written or verbal communication by a party about a fact that relates to any issue of the hearing that occurs when other interested parties are not present or able to receive the information.

Councilors are advised to refrain from engaging in discussions about a pending quasi-judicial decision outside of the public hearing. However, if a Councilor partakes in or receives written or oral ex-parte contact prior to any such hearing, the Councilor shall disclose the communication for the record and/or reveal the contact and substance of the contact prior to the commencement of the hearing. The Councilor will state whether such contact affects their ability to vote on the matter in an impartial manner and whether they will participate or abstain. The presiding officer shall then announce the right of interested parties to rebut the substance of the communication. If the Council determines that the Councilor should step down for the hearing by a majority vote, the Councilor would then be allowed to participate in the proceedings as a private citizen.

- 5) **Planning Commission Testimony.** In an effort to maintain the impartiality of the Planning Commission, especially in cases where issues can be remanded by the 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, Commissioners who have participated in the preceding Commission decision may not testify before the Council on the respective matter.

Section E: Council Expectations

- 1) **Code of Conduct.** All business of the City shall be conducted in a civil manner where the dignity and rights of individuals and organizations are respected and honored pursuant to the Council's Guidelines for Civil Discourse (<https://westlinnoregon.gov/citycouncil/council-guidelines-civil-discourse>) and the City's Personnel Policies (<https://westlinnoregon.gov/humanresources/personnel-policies>).

The description of "Prohibited Conduct", as set forth in Section 2, Policy Against Harassment of the City's Personnel Policies, will be applied to determine whether harassment occurred. Upon a finding that a violation has occurred, the Council may, upon unanimous vote of the balance of the Council not accused, proceed with censure or other appropriate sanctions.

- 2) **Ethics.** All Councilors shall review and observe the requirements of state ethics law (ORS 244.010 to 244.390) and shall constantly strive to meet the highest ethical standards in their role of Councilor. The Council may act to discipline a Councilor for ethical violations, up to and including approving a resolution censuring the Councilor.

- 3) **Communication with Staff.** Councilors shall respect the separation between policy making and administration by:

- a. At all times attempting to work together with staff in a spirit of mutual confidence and support and uphold the City Charter and Municipal Code by respecting the administrative functions of the City Manager and City Departments.
- b. 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 pertinent information given by the City Manager or City Attorney to one Councilor should be distributed to all the Councilors.
- c. 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.
- d. Respecting the roles and responsibilities of staff as hired professionals when and if expressing criticism in a public meeting or email communications. Instead, engage in civil, respectful, and constructive conversations that uphold the integrity of the City.

- e. Noticing councilor/staff member prior to meeting when a council or staff member is planning to be publicly critical of another to allow for fair response.

4) Confidentiality. Councilors will keep all written materials marked as confidential 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 a designated Councilor.
- c. The Council, by resolution, may censure a Councilor who discloses a confidential matter.

5) Councilor Statements to Media or Other Organizations. When a Councilor represents the City before another governmental agency, an organization or the media, the Councilor shall state the official position of the City, as approved by the majority of Council. When a Councilor appears in their personal capacity before another governmental agency, an organization or the media, the Councilor shall state they are expressing their own opinion and not that of the City before giving their statement.

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.

6) Censure and Discipline.

- a. The Council has the right to make and enforce these rules and to ensure compliance with those rules generally applicable to public bodies. The Council, acting as a whole, may reprimand or discipline to the extent provided by law, any member(s) of the Council, or any member(s) of a board, commission or committee directly associated with the Council for a violation of these rules, city policies, city ordinances, the Charter, or state laws applicable to governing bodies.
- b. To exercise such right, the alleged offender(s) must first be notified of a finding that reasonable ground exists that a substantial violation has occurred prior to referral

for investigation of the Council. Council may hold an executive session to consider the complaints or charges unless the person requests an open hearing according to ORS 192.660(2)(b).

- c. The accused member(s) shall have the right to present a defense to the allegations, including the right to have legal representation at such meeting.
- d. Upon finding that a substantial violation has occurred, the Council may, upon unanimous vote of the balance of the Council not accused, proceed with censure or other appropriate sanctions.

Section F: General Policies and Procedures

- 1) **Attendance.** Councilors shall inform the City Manager and all fellow Councilors if they are unable to attend a Council meeting. Scheduled meetings will be held if there is a quorum unless the Council agrees to reschedule. Additionally, the Mayor will inform the Council President and the City Manager regarding any absence by the Mayor.
- 2) **City Communications.** As a general policy, the City communication tools (including, but not limited to newsletter, website, mailers, postcards, bulletin boards, email newsletters and videos) should be used solely for City government related content. Events not sponsored entirely or partially by the City should not be allowed space in City communications. Requests for placement of articles in City communications shall be approved by the City Manager or designee. All Meeting agenda and tentative agendas shall be dated as to when changes have been made so the Council, City Staff, and Public can easily recognize what is the most up to date information.
- 3) **Conferences, Seminars and Regional Meetings.** Councilors are urged to educate themselves about local and regional government issues and to participate in appropriate conferences, seminars, and regional meetings.
 - a. Council will set an annual allotment for expenses for government related activities at the beginning of each year for Council members, including expenses for serving on a board or a committee not covered by the organization. Councilors must obtain Council approval for expenses if it may exceed the Councilor's annual allotment.
 - b. Councilors shall share information about the conference or share information of interest from these events within a month of attending if possible.
 - c. City Manager will similarly share important information learned at conferences and regional meetings.
- 4) **Council Reports.** Councilors will report on the regional meetings they attend on behalf of the city.
- 5) **Compensation, Expenses and Reimbursement.** Councilors receive salaries per Chapter III, Section 11 of the Charter for their service to elected office, which is adjusted annually according to CPI-W per City Ordinance 1690. Federal tax regulations consider elected officials to be "public employees" for tax and payment purposes, which is explained at: <https://www.irs.gov/government-entities/federal-state-local-governments/tax-withholding-for-government-workers>. In contrast, an elected official is not an employee for purposes of Fair Labor Standards Act (wage & hour laws), ORPLRA (labor relations), Title VII of the Civil Rights Act (employment discrimination based on protected class), Age

Discrimination in Employment Act, the Affordable Care Act (healthcare reform), or the Unemployment Insurance Act.

With the exception of quarterly salaries, 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. Councilors may utilize a city-issued credit card, if desired, for City-related expenses pursuant to adopted budget guidelines.

- 6) **Gifts.** A gift is defined as something of economic value given to a public official, for which the official does not pay an equal value. ORS 244.020(7). No member of the Council, their relatives or household members, shall solicit or receive any gift(s) with a total value of more than \$50 from any single source who could reasonably be known to have a financial interest in the official actions of the Council. On occasion, and within the approved budget, the Council may approve the purchase a gift or honorarium using City funds. Expenditures of this type shall receive prior approval from the majority of the Council.

Section G: Legal Inquiries, Litigation and Custody of Public Records

- 1) **Legal Inquiries.** Councilors may make legal inquiries to the City Attorney. The City Attorney will determine if the inquiry requires more than approximately fifteen minutes of legal research. If it does, that inquiry will not be answered until the Council approves it. 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, unless the inquiry is related to the performance of the City Manager or a unique and sensitive personal matter to City business. The City Attorney shall, in either case, provide any written response to the full Council and City Manager, except as noted above.

- 2) **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 claim, or
 - b. A judicial or administrative filing which initiates action against the City.

- 3) **Public Records Law.** A public record is any writing with information about the conduct of public business that is prepared, owned, used, or retained by a public body. This Council and any board, department, or commission thereof are considered a public body and thus must comply with Oregon's Public Records Law (ORS 192.410-192.505).

- 4) **Custodian of Public Record.**
In accordance with Section 23(c)(3) of the Charter, the City Manager shall designate a custodian of records to create, maintain, care for or control public records.

Section H: Boards, Committees, Citizen Advisory Groups and Neighborhood Associations

1) Annual Report of Boards, Commissions, Committees, and Neighborhood Associations.

Each board, commission, committee, and neighborhood association will annually report to the Council on its activities for the previous year, including their recommendations. The report will be prepared in a format prescribed by the Council.

2) Filling Vacancies on Boards, Commissions and Committees. When a vacancy occurs on any standing commission, board or committee, a public announcement of the vacancy will be made with sufficient time and information provided regarding the duties of the positions and the process of filing an application. The Council will interview applicants for the Planning Commission, Budget Committee, and Historic Review Board and may also include interviews for other Boards and Committees. The Mayor, with the approval of the Council, shall fill all vacancies of City committees, boards, and commissions.

3) 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 with Council approval 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.
- b. It is important for the advisory body to make objective recommendations to the Council on items before them.
- c. Attending meetings of assigned liaison bodies but should avoid becoming involved in the body's discussions without first explaining their role as a Council liaison.
- d. Not voting at the body's meeting on any item.

4) Minutes of Citizen Advisory Group Meetings. Written minutes of citizen advisory group meetings will be taken by the staff liaison and if not available, the Chair or their designated substitute. However, citizen advisory groups shall also provide an audio recording of their meetings. Minutes shall include the following information:

- a. Members present;
- b. Motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- c. Results of all votes and the vote of each member by name;
- d. The substance of any discussion on any matter; and

- e. A reference to any document discussed at the meeting.

Staff will post Draft Minutes online within two weeks of the meeting. Minutes will remain draft until approved. Minutes will be posted on the agenda for approval at the next regular business meeting.

- 5) **Minutes of Neighborhood Associations Meetings.** Neighborhood Associations are required to take minutes when they have been asked to advise the Council or they act on their own accord in an advisory capacity to the City per West Linn Code 2.100(4)(c)(2). https://westlinnoregon.gov/sites/default/files/fileattachments/city_council/page/5641/chapter_2.pdf). Council prefers that Neighborhood Associations provide a record of attendance, quorum, and recommendation.

Section I: Other Provisions

- 1) **City Manager and City Attorney Evaluation.** The evaluation of the City Manager will be performed under the terms of the Manager's contract and City Charter. The Council shall perform an annual evaluation on the City Attorney under the terms of the City Attorney's contract.