



Rules of Conduct for Public Hearings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

CITY OF MILLERSBURG CITY COUNCIL WORK SESSION

Millersburg City Hall
4222 NE Old Salem Road
Albany OR 97321
January 28, 2020 @ 4:00 p.m.

Agenda

- A. CALL TO ORDER
- B. ROLL CALL
- C. WORK SESSION ITEMS
 - 1) New City Website (Municode Demonstration) *Note this portion will convene in the conference room – Information Only
 - 2) Volunteer Recognition – Information and Discussion
 - 3) Activities on City-owned Open Space – Information and Discussion
 - 4) Account Receivable Policy and Procedures – Information and Discussion
 - 5) Fire Station Project – Information and Discussion
 - 6) Review of Draft Council Rules and Procedures – Information and Discussion
- D. CLOSING PUBLIC COMMENT
- E. CLOSING COUNCIL COMMENT
- F. ADJOURNMENT

Note: Council may adjourn to executive session in accordance with ORS 192.660.

Upcoming Meetings & Events:

February 6, 2020 @ 6:00 p.m. – Events Planning Committee Meeting
February 11, 2020 @ 6:30 p.m. – City Council Meeting

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 541-928-4523.



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: January 23, 2020 for the January 28, 2020 City Council Work Session
SUBJECT: Activities on City-Owned Open Space

Action Requested:

Council to provide feedback and direction regarding activities allowed and prohibited on City-owned open space.

Discussion:

Over time, the City of Millersburg has acquired several parcels of open space property. Some of these are stormwater detention basins and many include wetlands. As residential development expands into areas adjacent to these properties, the potential for activity by the public in these areas increases. Staff would like Council direction on how to address activities in these areas.

Staff proposes the following for consideration.

Stormwater detention basins – no public access or activities allowed.

Other areas, including wetlands

Allowed:

Walking, jogging, biking
Playing/exploring
Clearing of brush/vegetation less than 1" in diameter

Prohibited:

Permanent or temporary structures (outbuilding, fences, play structures, etc.)
Storage of materials (wood, compost, soil, construction materials, etc.)
Disposal of yard debris, including grass clippings
Grading or earthwork
Camping
Removal of vegetation greater than 1" in diameter without prior City approval
Planting of vegetation without prior City approval
Motorized vehicles without prior City approval

Nothing in this policy is intended to limit activities the City may conduct on these properties. If Council desires to establish a policy on this matter, staff will draft an ordinance to be proposed for adoption at the next council meeting.

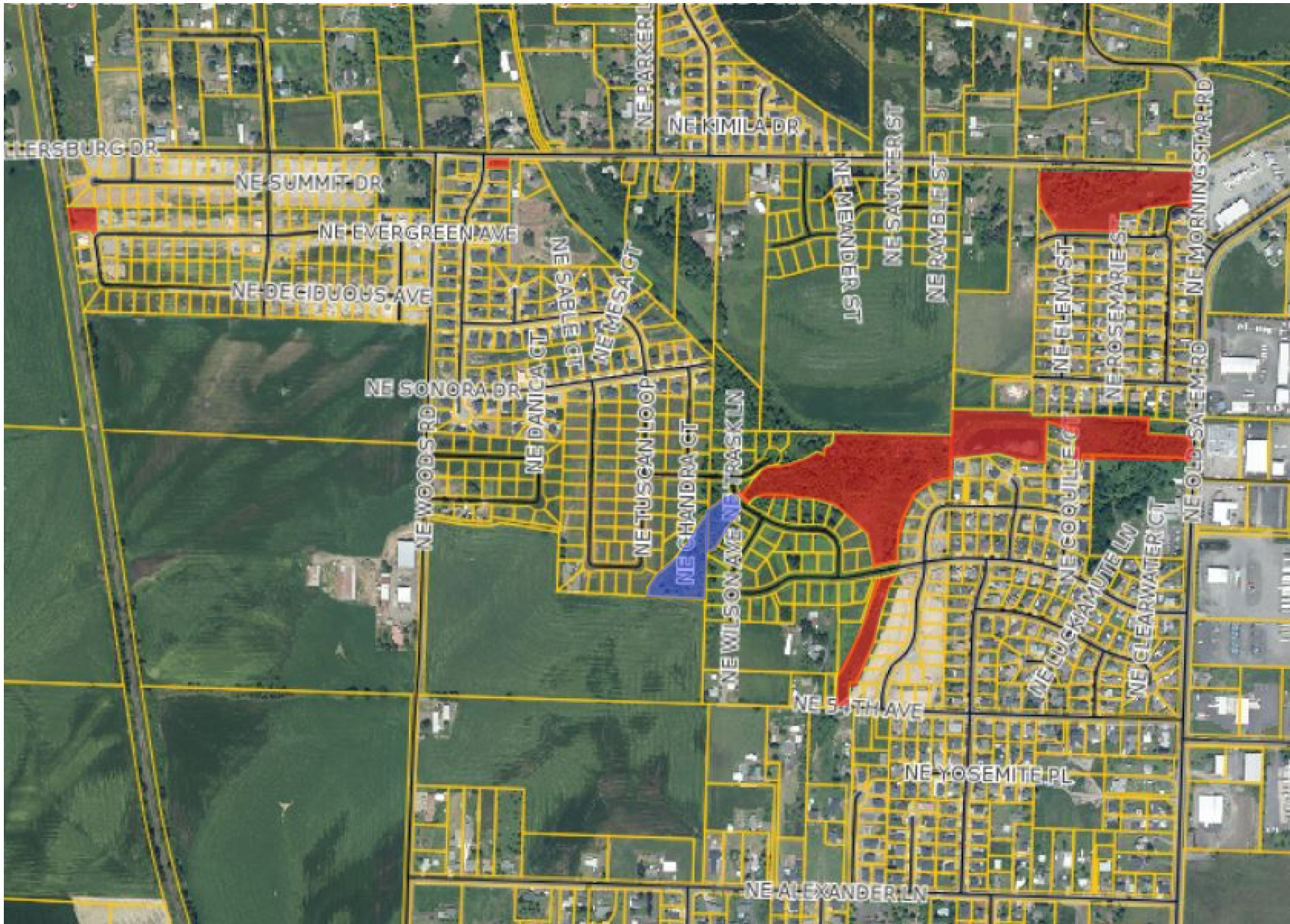
Budget Impact:

No budget impact at this time.

Recommendation:

Council provide direction regarding the public activities that are allowed and prohibited on City-owned open space.

Attachment(s): Map of City-owned open space



OPEN SPACE IN CITY OWNERSHIP



OPEN SPACE PROPOSED FOR FUTURE CITY OWNERSHIP



Utility Billing Refunds & Write-Offs Policy & Procedures

	Policy/Procedure Title: Utility Billing Refunds & Write-Offs Policy & Procedures Policy/Procedure #: UB 100.1 Version #/Date: February 1, 2020, Ver. 1.0
Written by: Kimberly Wollenburg	Reviewed & Approved by: Name: Kevin Kreitman, City Manager
Effective Date: February 1, 2020	Signature: _____ Date: _____
Next Review Date: February, 2021	Legal Review/Approval: _____

Purpose

The purpose of this policy and procedures is to ensure that all reasonable diligence has been used to collect accounts receivable, improve accounting of the City's accounts receivable, and ensure the most efficient use of City revenue collection resources.

Policy

It is the policy of the City of Millersburg to actively pursue collection of past-due accounts receivable, regularly review the status of past-due accounts, and write-off amounts determined to be uncollectable. A write-off of uncollectable accounts receivable from the City's accounting records does not constitute forgiveness of the debt or a gift of public funds; it is merely an accounting practice that ensures the City's assets are not overstated.

Scope

This policy and procedure applies to all City accounts receivable. Accounts receivable refers to money owed by customer to the City of Millersburg for goods or services that have been delivered or used but not yet paid for. Types of receivables covered by this policy include, but are not limited to, administrative citations; rents; fees for services; utility billing; recovery for damage to City property; fines and penalties; and legal judgements.

Procedures

Uncollected Accounts Receivable

A. Payment

All payments for City services and/or goods must be made through designated sites of the City of Millersburg. Payment can be made in the form of check, money order, cash or credit card.

Customers providing checks that are returned for non-sufficient funds, closed accounts, or stop payments shall be notified and all applicable fees shall be charged to the customer's account. At any time after a customer has presented a

second returned check for the payment, the City of Millersburg may require that customer only remit payment by money order or cash.

B. Delinquent Accounts

Delinquent amounts not paid by the time the next bill is prepared shall be separately stated on the next bill rendered to the customer, and such amount shall be subject to a late charge, and such statement shall constitute notice of the delinquency to the customer. The amount of the late charge shall be determined by the City's municipal code and/or late charge policy.

Utility Accounts:

If the utility bill is not paid within ten (10) days after the notice of delinquency, a final notice shall be mailed to the customer advising that service will be discontinued if payment of the entire amount then due is not made within ten (10) days after the date such notice was mailed or delivered.

If the bill has not been paid, or other arrangements made, by the close of business on the due date of the final notice, utility services may be discontinued.

C. Collection Procedure

Collection procedures will vary depending on the nature of the receivable.

Utility Accounts:

Every attempt will be made by the City to collect delinquent payments including authorizing arranged payments to pay off debt. Customer accounts that are deemed uncollectable by virtue of the lack of contact or failure to adhere to payment plans will be sent to a collection agency for collections.

No person who owes delinquent accounts to the City on either a closed or current account may open a new utility account until all such delinquent accounts have been paid.

D. Uncollectible Accounts Receivable

Accounts receivable should generally be written-off during the fiscal year in which an account is determined to be uncollectible. Subsequent collection of an account previously written-off will be treated as new revenue in the appropriate fund.

Utility Accounts

Utility accounts should generally be written-off during the fiscal year in which an account is determined to be uncollectible. The write-off process for utilities reduces the receivable and increases the balance of a designated write-off account. Any subsequent collection of an account previously written-off will reduce the balance in the write-off account and will increase cash by the amount collected.

An account will be considered uncollectible after the appropriate collection procedures have been followed, if it meets one or more of the following criteria:

- The debt is disputed and the City has insufficient documentation to pursue collection efforts;

- The cost of further collection efforts will exceed the estimated recovery amount;
- The account remains unpaid after the lesser of four years or the applicable period for commencement of a recovery action (statute of limitations);
- Neither the debtor nor any of the debtor's assets can be located;
- The debtor has no assets and there is no expectation they will have any in the future;
- The debtor has died and there is no known estate or guarantor;
- The debtor is a company which is no longer in business;
- The debt is discharged through legal action (bankruptcy or court judgment);
- The debt has been forgiven by action of the City Council.

E. Preparation of Request for Write-Off of Accounts Receivable

At least annually, the City will identify any accounts receivable for which it is responsible that meet the criteria for designation as an uncollectible account.

If an account has a balance of \$100 or less, a request for write-off will be prepared and submitted to the City Recorder for review and then submitted to the Assistant City Manager/City Engineer for final approval.

If an account has a balance in excess of \$100 and up to \$5,000 a request for write-off will be prepared and submitted to the City Manager or designee for review and approval.

Any account with a balance in excess of \$5,000, the City Manager will be required to take the request for write-off to the City Council for approval.

The request for write-off of accounts receivable must include an itemized list of the uncollectible accounts to be written off specifying the following:

- Debtor name;
- Account balance;
- Invoice or charge date;
- Brief description of receivable type; and
- Criteria under which the account was deemed uncollectible.

In addition, documentation must be available to support the uncollectible account designation and substantiate that the City has followed its collection procedures for each uncollectible account. Support documentation could include:

- Invoices, reminder letters, or collection letters (and any documentation that are returned as undeliverable, no known forwarding address, etc.);
- Referral to the City's collection vendor;
- Bankruptcy claim and any related plan or discharge;
- Death Certificate, if deceased, and
- Judgment awarded by a court or settlement agreement.

Refunds of Accounts Receivable

A. For Active Accounts:

Utility Accounts

Any overpayment made by a customer on a utility account will be reflected as a credit balance on the customer's account that will be applied to future bills.

Refunds for payments made by check, over the counter, via mail or through a bank on any utility account will be issued upon the request of the account holder when payments made result in a credit balance that exceeds \$300.00 on the account.

Refunds for over the phone and online credit card transactions will be issued to the card account, if requested, within three (3) business days of payment being posted to the account. Requests made after the expired three (3) business days period will be issued by check if the amount exceeds \$300.00.

Refunds will only be processed within fifteen (15) days of payment being posted to the account.

No refund will be processed if the next bill is scheduled to be issued within thirty (30) days from date of payment being posted to the account.

In the event a billing adjustment creates a credit balance on the account, the credit will be applied to future bills.

B. For Inactive/Closed Accounts:

Utility Billing

Refunds for closed accounts are not automatic and are only processed upon request of the account holder. Refunds for any closed account must be made within a one (1) year period and will be issued by check.

Any credit balance in the amount of \$10.00 or less remaining on the account after ninety (90) days from issuance of the final bill shall be written off by the City.

Any credit balance in the amount over \$10.00 remaining on the account after one (1) year from issuance of the final bill shall be turned into unclaimed property with the State of Oregon.

C. Request a Refund:

Proof of payment may be required by furnishing one of the following:

- Copy of front and back of cancelled check(s); or,
- Copy of payment receipt(s).

For accuracy when processing a refund, the following information is required and must be present in the request:

- The account number to which the payment was made;
- The first and last name and mailing address; and,
- A brief explanation giving reason for the refund.

If another party paid the utility account (such as a builder, a prior or subsequent owner, title company, leaseholder, mortgage company, or someone who owns part of the same property), the party may be asked to provide proof of identification to ensure that refunds only go to the appropriate party.

D. Receiving a Refund:

Refunds are made in the form of a check made payable to the registered name on the account. All refunds are mailed to the mailing address provided by the account holder. No interest will be applied to refunds.

Refunds will be processed through the City's accounts payable. The refund process may take up to twenty-one (21) days to process and issue. Refund checks will be mailed or picked up by the recipient.

E. Transfer of Credit Balance:

A credit balance may be transferred from one account to another, provided both accounts share the same account holder. A written request is required, along with proof of payment and brief explanation as to why the credit transfer should occur.

On final settlement of customer's account, any credit balance will be transferred, upon request, to the account holder by the City at the time of request.



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: January 23, 2020 for the January 28, 2020 City Council Work Session
SUBJECT: Fire Station Project – Information and Discussion

Action Requested:

Receive an update on the Fire Station project and discuss specific project aspects listed below.

Discussion:

On January 17, 2020, a Request for Qualifications (RFQ) was issued to begin the selection process for an architectural firm to design a new fire station in Millersburg. Responses to the RFQ are due on February 14, 2020. Following submission, the responses will be reviewed, scored, and ranked according to the criteria defined in the RFQ. Up to three firms will be selected for interviews. Following interviews, one firm will be selected to develop and present a detailed scope of work for the project. That scope of work will be reviewed and modified as necessary to meet the City of Millersburg's requirements and will serve as the basis for the negotiation of the fees for services. Award of the work is anticipated in April, 2020.

In order to move the project design forward as efficiently as possible, staff requests Council direction on the following aspects of the project.

Site Location: Prior to issuing the RFQ, staff evaluated possible site locations for the new station. Two locations were identified and pros and cons of each location were assessed (see attached figure for site locations). Based on this evaluation, Site 2 is the proposed location for the new station.

LEED Certification: LEED (Leadership in Energy and Environmental Design) is an internationally recognized green building certification system, providing third-party verification that a building or project was designed and built using strategies aimed at improving performance across the following metrics: energy savings, water efficiency, CO2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

There are benefits and disadvantages to pursuing LEED Certification, including up-front costs and potential for long-term energy savings. There is no requirement that LEED be pursued on this project. If Council desires the project to become LEED Certified, this will need to be included in the scope of work for

the selected architect. If Council does not wish to invest the resources in LEED Certification, but wants to evaluate the energy efficiency benefits of LEED requirements, staff recommend that the project be designed to a selected level of LEED, but not certified.

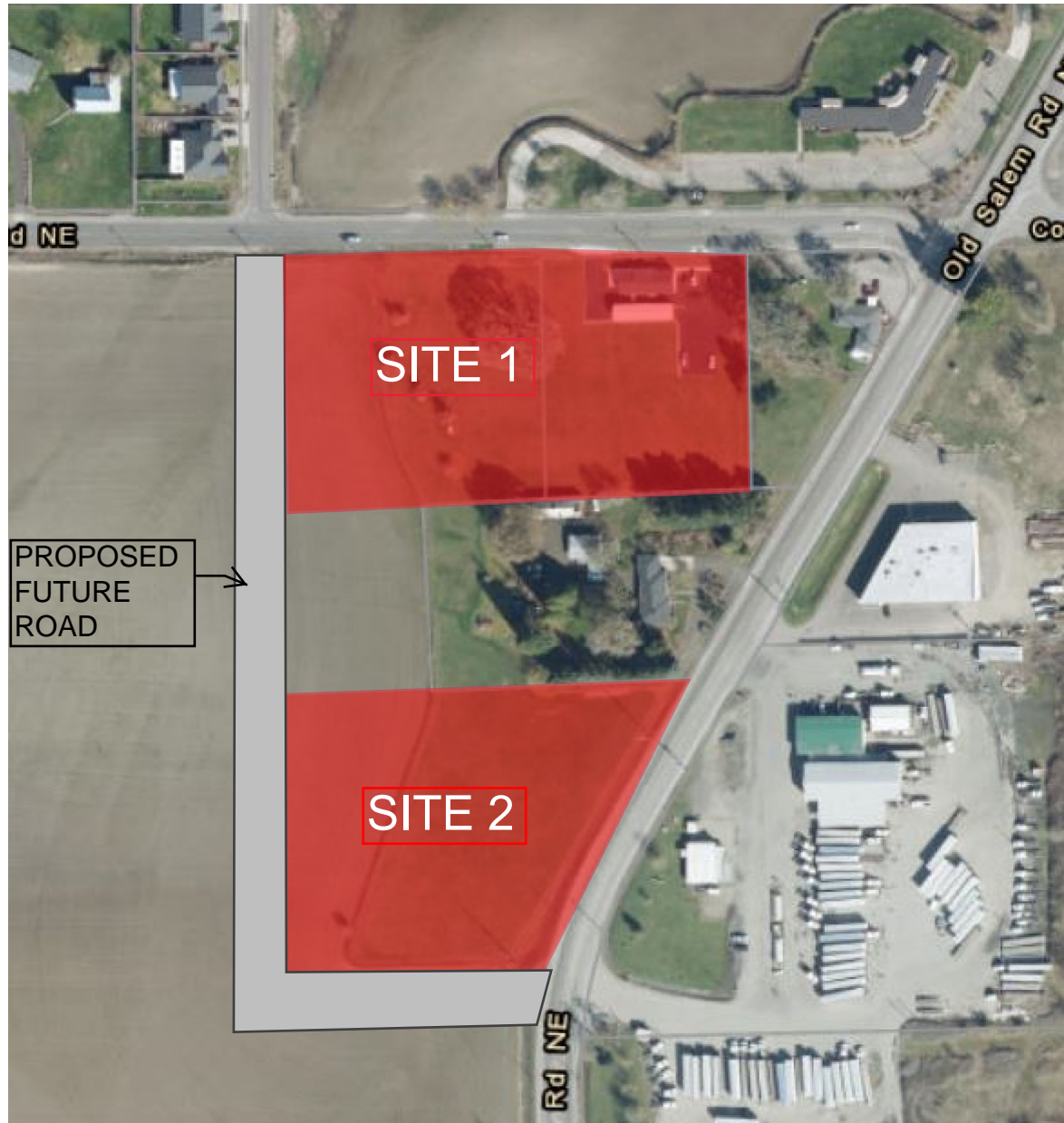
Budget Impact:

Site location and LEED Certification decisions have the potential to impact the project budget.

Recommendation:

Council provide direction on these items.

Attachments(s): Fire Station Site Figure



FIRE STATION POTENTIAL SITES



TO: Millersburg City Council
FROM: Kevin Kreitman
DATE: January 9, 2020 for the January 28, 2020 City Council Worksession
SUBJECT: Council Rules of Procedure

Action Requested:

Council feedback on proposed update to the Council Rules of Procedure.

Discussion:

Attached are documents outlining proposed changes to the Council Rules of Procedure. Based on discussion at the November Council meeting regarding meeting notifications we have reviewed the current Council Rules of Procedure, and compared with the model rules of procedure provided by the League of Oregon Cities (LOC).

Utilizing the LOC model and review of the current Council Rules of Procedure we would like Council input on the proposed updates to the Council Rules of Procedure for consideration of adoption at the February Council meeting. As you will see in the notes on the draft Council Rules of Procedures we did discover some conflict with current ordinances and the City Charter. We will be proposing some ordinance changes to correct conflict with the City Charter also at the February Council meeting.

Budget Impact:

No impact.

Recommendation:

Information only - based on Council feedback and concurrence, finalize the proposed changes and place the updated Council Rules of Procedure for consideration of Council adoption on the February 11, 2020 City Council Meeting Agenda.

Attachment(s):

- Current Rules of Procedure
- Draft Rules of Procedure



Rules of Procedure for Council Meetings

Table of Contents

Introduction..... 3

Disclaimer 3

CHAPTER 1 – General Governance 4

CHAPTER 2 – Meeting Time, Location and Frequency 12

CHAPTER 3 – Ordinances and Resolutions 15

CHAPTER 4 – Land Use Hearings 19

CHAPTER 5 – Motions, Debate, Public Comment and Voting 23

CHAPTER 6 – Minutes 27

CHAPTER 7 – Appointments 28

CHAPTER 8 – Ethics, Decorum, Outside Statements 29

CHAPTER 9 – Interactions with Staff & City Attorney 30

CHAPTER 10 – Censure [and Removal] 31

CHAPTER 11 – Amendment and Repeal 32

Introduction

The City Charter Section 13 - Council Meetings states “the city shall adopt rules for the governing of its members and proceedings with regard to how appointments are made, Section 23 - Mayor Duties, states, “The Mayor shall appoint the committees provided by the rules of the council.” Additionally this document addresses how Council members are to interact with City employees. Although the Charter directs the Council to create rules, the Charter doesn’t provide substance or guidance on how to do so. This document provides those rules of procedure, for items required by the City Charter, and for items which are not addressed by the Charter as the Council so desires.

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

Disclaimer

Although comprehensive, these procedures are not exhaustive; the Council has discretion in determining how to conduct their business, and they may change and/or modify these rules through ordinance modification at a later date to ensure the rules match the community's culture, needs, and values.

CHAPTER 1 – General Governance

I. Rules of Procedure.

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

II. **Quorum.** A majority of the members of the Council shall constitute a quorum for doing business (City Charter Section 15).

- A. The members of the Council are the City Councilors and Mayor. With the Council being five (5) members who appoint the Mayor from among their number, a quorum requires three members present.
- B. **Council Vote Required.** The concurrence of the majority of the members of the Council shall be necessary to decide any question before the Council which requires Council approval (City Charter Section 16).

Commented [FR2R1]: This statement is accurate.

Commented [KK1]: This essentially state that if a quorum of only three (3) are present all three (3) must vote in the affirmative for passage of any matter requiring a vote.

III. Presiding Officer.

- A. The Mayor shall preside over all meetings. The Mayor shall be elected by a majority vote of the City Council at the first meeting in January following a general election of the City Council every two years, and the Mayor will serve for a two year period of time. (City Charter Section 10)
- B. The Mayor shall be the chairperson of the Council and preside over its deliberations. He/She shall have a vote on all questions before it. He/She may make motions. He/She shall have the authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council. (City Charter Section 21).
- C. In the Mayor's absence the President of the Council shall preside over the meeting. A member of the Council shall be elected as president by a majority vote of the City Council at the first meeting in January following a general election of the City Council every two years, and

shall serve for a two year period of time. In the Mayor's absence the President shall preside, and will fulfill the functions of the office of mayor when the Mayor is unable to perform the same. (City Charter Section 17).

- D. If both the Mayor and the President of the Council are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:
1. The City Recorder shall call the Council to order and call the roll of the members.
 2. Those members of Council present shall elect, by majority vote, a temporary presiding officer for the meeting.
 3. Should either the Mayor or the President of the Council arrive during the meeting, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
 4. The presiding officer shall retain all rights and privileges of a member of Council when acting in this capacity.

Commented [kw3]: This is new

Commented [KK4]: This is expanded from what is in our current policy

Commented [KK5]: Our charter is silent seems appropriate, would council like to include?

IV. Other Elected and Appointed Officers.

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

V. **Agendas**. The City Manager shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.

- A. Agendas and informational material for meetings shall be distributed to the Council at least three (3) days preceding the meeting.
- B. No Council approval shall be required for an agenda of any meeting.

- C. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
- D. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal under announcements/proclamations.
- E. A member of the Council who wishes to have an item placed on the agenda shall advise the City Manager at least one week prior to the meeting.³

Commented [KK6]: This is the League of Oregon Cities model language and differs from the current language in the adopted current rules of procedures (section 5.2 which states the mayor or in their absence the President of the Council in consultation with the City Manager. What is Council's wish?

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

Commented [kw7]: This is new too

1. Call to order.
2. Roll call.
3. Pledge of allegiance.
4. Changes and additions to the agenda.
5. Announcements/Proclamations.
6. Consent agenda.
7. Guest presentations, reports of boards, commissions, committees.
8. Public comment on items on the agenda (other than public hearings).
9. Public hearings.
10. Council member and staff comments.
11. City Manager report.
12. City Attorney report.
13. Items removed from the consent agenda.
14. Unfinished business.

Commented [KK8]: This is new, not currently in our order of business. Does council wish to include?

Commented [KK9]: This is new, not currently in our order of business. Does council wish to include?

Commented [kw10]: New

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

- 15. New business.
 - 16. Public comment on items not on the agenda.
 - 17. Closing Council comment.
 - 18. Adjournment.
- A. Call to Order. The presiding chair shall call all meetings of the Council to order. The call to order shall note the date, time, and location of the meeting so that it may accurately be reflected in the minutes.
 - B. Roll Call. The City Recorder shall conduct a roll call to determine which members of the Council are present and which are absent.
 - 1. The attendance shall be properly reflected in the minutes.
 - 2. If roll call determines that a quorum is not present, the meeting shall be adjourned.
 - C. Announcements/Proclamations. Announcements are intended to be procedural in nature, such as an item being removed from the agenda. Proclamations are awards or recognition of individuals by the Council.
 - D. Guest Presentations, Reports of Boards, Commissions, and Committees. When necessary, reports can be given to the Council by guests, boards, commissions, or committees.
 - 1. When appropriate, reports to the Council should include written materials which are provided to the Council at least three (3) days in advance of the meeting.
 - 2. Oral reports to the Council should generally not exceed ten (10) minutes in length.
 - 3. The Council may ask questions of the presenter upon conclusion of the report being given.
 - E. Public Comment
 - 1. Two periods for public comment will be reserved for every regular meeting of the Council. Each period shall not exceed a maximum of 30 minutes, unless a majority of Councilors present vote to extend the time. Subject to the limitations contained in subsection H-5(e) of this section, the first period for public comment shall be limited to items placed on the agenda other than public hearings, and the second period of public comment shall be used to comment on any issue of City business, other than agenda items. The presiding officer may,

Commented [kw11]: This is new and most cities have clerk do this. Do you want Mayor to keep doing this?

unless a member of Council objects, allow a person who desires to make comment on an item not on the agenda to speak during the first comment period.

2. Persons wishing to speak during public comment must sign the "speaker's roster" with the person's name and address and the topic upon which the person wishes to speak, not later than the call to order.
3. Members of the public may speak about any topic during the last period for public comment, except as provided in H-5(d) of this rule.
4. If a member of the public wishes to speak on an item scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
5. Speakers are limited to three (3) minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their city of residence. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the 30-minute period.
6. Should there be more speakers than can be heard for three (3) minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
7. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three (3) minutes. The presiding officer may intervene if a Councilor is violating the spirit of this guideline.
8. Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize City-provided

Commented [KK12]: This is model language from LOC, would be a change from current format would council like to include?

Commented [kw13]: Does the Council wish to start this?

Commented [FR14]: Is this what we informally decided on a few days ago?

Commented [KK15]: The requiring of an address has been discussed by city recorders and clerks, with many just going to city of residence due to concern with publication of addresses. What is council's pleasure?

audio or visual equipment located in the council chambers as a part of their comment, but must provide the materials in a readable format to City staff prior to the meeting so that it may be installed on the City's equipment to avoid a delay or disruption of the meeting.

F. Consent Agenda. In order to expedite the Council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.

1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
2. Any item on the consent agenda may be removed for separate consideration by any member of the Council.
3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.

G. Ordinances and Resolutions – See [Chapter 3](#)

H. Public Hearings Generally

1. A public hearing may be held on any matter upon majority vote of the Council. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak shall sign the "hearing roster" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.
3. The Mayor shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
4. Each person shall, prior to giving testimony, give his or her name, and shall indicate whether they are a resident of the City, and may give their address [or identify the ward in which they reside.] All remarks shall be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.

Commented [KK16]: Similar to above do you want to require a given or written address?

Commented [FR17]: Are they writing their address on the hearing roster?

Commented [FR18]: I deleted the address requirement because I believe you want it deleted. Up to you.

Commented [KK19]: Similar to above do you want to require a given or written address? We also do not have wards.

Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:

- a. Staff presentation (15 minutes).
 - b. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
 - c. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
 - d. Other interested persons (3 minutes per person).
 - e. Questions of staff (No time limit).
 - f. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes).
6. Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by Councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the Council when exercising this option. The presiding officer may intervene if a Councilor is violating the spirit of this guideline.
 7. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by City Councilors should be to provide clarification or additional information on testimony provided.
 8. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of

the pending proposal or those in opposition to rise and direct the City Recorder to note the numbers in the minutes.

9. At the end of public testimony and questions of staff, the Council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the Council shall have the opportunity to comment on or discuss testimony given during the public hearing.
 10. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the City Recorder at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex-parte contacts, and a Councilor receiving any such communication must disclose the fact that such a communication has been received and the content of the communication.
 11. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder pursuant to ORS 192.455(1).
- I. Conduct of Hearings on Land Use Matters – See [Chapter 4](#)
 - J. Written Communications to Council.
 1. Unsolicited communications to the Mayor and/or Council concerning matters on the agenda shall be forwarded to the Council in the agenda packet, but shall not be individually itemized on the agenda.

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

CHAPTER 2 – Meeting Time, Location, and Frequency

- I. **Regular meetings.** The Council shall meet every 2nd Tuesday of the month in the evening, with the exception of designated holidays.
 - A. Meetings shall begin at 6:30 p.m.
 - B. Meetings shall adjourn at 10:00 p.m., allowing one-hour increment extensions upon a majority vote of the Council.
- II. **Special meetings.** Special meetings may be called by the Mayor, or at the request of three (3) members of the Council, at a time and at a place designated. (Millersburg City Charter Section 14).
 - A. Notice of the special meeting shall be given to each member of the Council, the City Manager, and each local newspaper and radio and television station which has on file a written request for notice of special meetings.
 - B. Notice of the special meeting shall be given to all members of the Council and the City manager via telephone and email.
 - C. Special meetings shall be noticed in accordance with Oregon's Public Meetings Law, and, at a minimum, shall be noticed in three (3) public places in the City at least 24 hours prior to the meeting taking place.
- III. **Emergency meetings.** Emergency meetings may be called by the presiding officer, or by the request of three (3) members of the Council.
 - A. Notice of the emergency meeting shall be given to each member of the Council, the City Manager, and each local newspaper and radio and television station which has on file a written request for notice of special meetings.
 - B. Notice of the emergency meeting shall be given to all members of Council and the City Manager via telephone and email.
 - C. Emergency meetings are those meetings called with less than 24 hours' notice and the Council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
- IV. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.
- V. **Executive Sessions.** Executive sessions may be called by the presiding

Commented [KK20]: This is model language, would council like this or similar language?

Commented [JB21]: Both telephone and email required?

Commented [KK22]: City Charter section 14, per the conversation at the last City Council meeting this would be removing the location identification in section 2.1 of the current adopted rules of procedure.

Commented [JB23]: Both telephone and email required?

Commented [KK24]: This is model language, our charter is silent on emergency meetings with less than 24 hours' notice. This section is an expansion of section 2.2 in current procedures.

officer, by the request of three (3) members of Council, by the City Manager, or by the City Attorney.

- A. Only members of the Council, the City Manager, ~~the City Attorney,~~ and persons specifically invited by the City Manager or the Council shall be allowed to attend executive sessions.
- B. Representatives of recognized news media¹ may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

Commented [KK25]: This is a change based on model language from what is currently in section 2.5

VI. Work Sessions. Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

- A. All work sessions are subject to Oregon's Public Meetings Law and must be noticed accordingly.
- B. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
- C. Work sessions are to be scheduled by the City Manager.
- D. The City Manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

Commented [KK26]: This is a change based on model language from what is currently in section 2.5

VII. Holidays. In the event a regular meeting falls on a holiday recognized by the City, the regular meeting for that week shall be ~~cancelled~~ rescheduled, ~~unless the majority of Council determines there is not a need for~~ rescheduling to address business.⁵

Commented [KK27]: We do not currently address, would council like to include?

VIII. Location. Council meetings shall be held at City Hall.

- A. In the event City Hall is not available for a meeting, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the City.
- B. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.

¹ State law requires governing bodies to allow representatives of recognized news media to attend executive sessions except for labor negotiations and litigation where the news media is a party to the litigation. State law does not define the term news media and a decision whether such an individual should be permitted to attend an executive session must be made on a case by case basis.

- C. Inter-jurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
- D. No Council meeting shall be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability is practiced.

IX. Notice. The City Recorder shall provide notice of all meetings in accordance with Oregon's Public Meeting Law.

X. Attendance. Members of the Council shall advise the City Manager if they will be unable to attend any meetings. Under the Charter, a Council position becomes vacant if the member of Council is absent from the City for more than thirty (30) days without Council permission or absent from all meetings of the Council within a 60-day period.

Commented [KK28]: This is model language we currently do not address, seems appropriate with our joint meetings with the City of Albany, councils thoughts?

XI. Vacancies on the Council

Should it occur that a Council member resign or otherwise become unable to perform his function as a councilor, then the Council by majority vote may appoint a new councilor to serve out the remainder of the term of his predecessor. The majority of the Council shall be the sole judge of when a councilor becomes unable to perform his duties as a councilor. Should it occur that a councilor be absent from three successive meetings without cause, then the Council may by a majority vote may declare a vacancy and appoint a replacement as above. The majority of the Council shall be the sole judge of whether or not the councilor who is absent is absent without just cause.

Notice of Vacancy: If a Council vacancy occurs, the Council shall follow the procedures outlined in the Millersburg City Charter. In order to fill the vacancy with the most qualified person available until an election is held, the Council shall post a notice of the vacancy, the procedure, and the deadline for applying for the position.

Application Procedure: An applicant shall complete and submit to the Council an application packet provided by the city for the vacancy.

Interview Process: All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special

Commented [KK29]: This is model language, see section 18 of Charter below, how would council like to address this?

Council meeting open to the public. The order of interview will be determined by drawing names; in order to make the interviews fair, applicants will be asked to remain outside council chambers while other applicants are being interviewed. Applicants will be allowed two (2) minutes to make an opening statement to Council. Applicants will be asked to answer questions submitted to them in advance of the interview process. The Council members will ask the same questions of each candidate. Each candidate will then be allowed two (2) minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

Selection of Council member or President of the Council: Nominations, voting and selection of a person to fill the vacancy shall be conducted during an open public meeting. If there are two or more candidates for a position, the Council shall select their choice by secret ballot and is tallied by the Chair and read out to the public. This process will continue until an individual is approved by a simple majority of the Council.

CHAPTER 3 – Ordinances and Resolutions

Commented [KK30]: We do not currently address other than in municipal code, this is model language being proposed

I. **Ordinances.** All ordinances considered by and voted upon by the Council shall adhere to the rules outlined herein.

A. **Numbering.** The City Recorder shall number all ordinances with a consecutive identification number in the order of their introduction. Each number shall be followed by the last two digits of the year in which the ordinance was introduced.

Commented [FR31]: Is this the numbering system we intend to use?

B. **Preparation and Introduction.**

Commented [KK32]: This would be new

1. All ordinances shall, before presentation to the Council, have been approved by the City Attorney or the City Attorney's designee.
2. Ordinances shall be introduced by a member of the Council. Except that, upon the request of the Council, an ordinance may be introduced by the City Manager or the City Attorney, with a member of the Council moving further action on such ordinance upon completion of the introduction.
3. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.

C. **Calendar of Ordinance.**

Commented [KK33]: Model language we currently do not have, would council like to include?

1. An ordinance is introduced for consideration by the Council for presentation for reading. After introduction, the Council may direct that:

Commented [JB34]: Does this mean the entire ordinance must be read in the council meeting?

- a. A public hearing on the ordinance be held;
- b. Refer the ordinance to committee for review and recommendation;
- c. Refer the ordinance to the City Manager for further revision;
- d. Pass the ordinance; or
- e. Reject the ordinance in whole or in part.

Commented [kw35R34]: Generally ordinances are required to be read but this at the discretion of the Council as to if this is something they want to do. It is not necessary to read the ordinance – some cities do and some don't.

2. All proposed amendments to an ordinance shall be in writing, and may be made by interlineation upon the ordinance.

Commented [KK36]: Do we want to retrain this section?

3. An affirmative vote of at least three (3) members of the Council shall be necessary to pass an ordinance.

Commented [KK37]: Based on charter language section 16, on any vote in which a bare quorum exists (see section 15) all three votes would need to be affirmative for passage of any item.

4. An affirmative vote of at least three (3) members of the Council shall be necessary to pass an ordinance.
5. Upon passage of an ordinance, the enrolled copy thereof, attested by the City Recorder, shall be submitted to the Mayor for signature of approval. (MMC 2.30.030 (1))
6. The Mayor shall have three (3) days in which to sign and approve an ordinance. Should the Mayor not sign and approve an ordinance, the same shall be effective without the Mayor's signature. ~~Should the Mayor veto the ordinance, the Council, may by two thirds vote of all its members pass said ordinance over the veto of the Mayor without the Mayor's approval. (MMC 2.30.030 (2))~~
7. All ordinances required for the peace, health, and safety of the City, and where an emergency is declared by the Council, shall become law at once upon passage by the Council and approval by the Mayor. (MCC 2.30.030 (3))

Commented [KK38]: Based on charter language section 16, on any vote in which in a bare quorum exists (see section 15) all three votes would need to be affirmative for passage of any item.

Commented [KK39]: This MMC language is in conflict with the City Charter section 23 which states the mayor **does not have veto power**. **The municipal code ordinance 2 passed in 1974 will need to updated to correct the conflict.**

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

- A. Numbering. The City Recorder shall number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be the year of the resolution followed by numerical number for the resolution that year (i.e. 2020-1).
- B. Preparation and Introduction.
 1. All resolutions shall, before presentation to the Council, have been approved by the City Attorney or the City Attorney's designee.
 2. Resolutions shall be introduced by a member of the Council. Except that, upon the request of the Council, a resolution may be introduced by the City Manager or the City Attorney, with a member of the Council moving further action on such resolution upon completion of the introduction.

C. Calendar of Resolution.

1. A resolution is introduced for consideration by the Council for presentation for reading. After introduction, the Council may direct that:
 - a. A public hearing on the resolution be held;

Commented [KK40]: Model language we currently do not have, would council like to include?

- b. Pass the resolution; or
 - c. Reject the resolution in whole or in part.
2. All resolutions when introduced for reading shall be identified by title and number on a calendar of first reading
 3. When the calendar of a resolution which is to be considered separately is placed before the Council for passage, the City Recorder shall call the roll and enter the ayes, nays, and abstentions in the record.
 4. All proposed amendments to a resolution shall be in writing and may be made by interlineation upon the resolution.
 5. An affirmative vote of a majority of the Council present shall be necessary to pass a resolution.

Commented [FR41]: This is a different procedure than what currently occurs. As you know, Albany uses this procedure.

Commented [FR42]: This can occur, but it will require the recorder to write on the resolution while also taking written minutes. May be too cumbersome.

Commented [JB43R42]: We do this sometimes now though and it seems to work. Does the recorder have to write it? I think others (maybe Forrest) have in the past.

Commented [kw44R42]: Forrest and I have done this at different times. I always make notes of changes.

CHAPTER 4 – Land Use Hearings

I. General Conduct of Hearings.

- A. Any and all land use procedures shall comply with the City of Millersburg Land Use Development Planning Code.

Commented [FR45]: I wonder if it would be easier if under this Chapter we simply stated “Any and all land use procedures shall comply with the City of Millersburg Planning Code.”?

B. **CHAPTER 5 – Motions, Debate, Public Comment and Voting**²

Commented [KK46]: This is model language and would replace appendix A in current rules of procedure

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

² Many councils adopt *Robert's Rules of Order* to govern motions and related matters. This model adopts Roberts Rules as a *guide* for procedural matters and sets out a simplified procedure for motions and voting. Under this model, where Robert's Rules conflict with the model rules, the model rules should prevail.

- 11. The presiding officer shall repeat the motion prior to a vote.
- 12. A motion to adjourn cannot be amended.
- B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
 - 1. No motion shall be made more than once.
 - 2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.
- II. **Debate**. The following rules shall govern the debate of any item being discussed by the Council:
 - A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
 - B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
 - C. The member of the Council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.
- III. **Public Comment**. The public shall be entitled to comment on all matters before the Council that require a vote.
 - A. Public comment shall occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
 - B. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
 - C. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the Council or City staff.
 - D. Each person desiring to give public comments shall provide the Council with his or her name and city of residence address prior to giving comment. This information shall be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.
- IV. **Voting**. The following rules shall apply to voting on matters before the Council, unless amended in the manner outlined in Chapter 4 of these

Commented [JB47]: Think we should be consistent throughout on whether it is city of residence or address.

Commented [FR48]: It is not required to allow public comment on all matters before the Council and prior to the Council's vote. Is this something the Council wants to allow?

Rules.³

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

Commented [KK49]: Model language, we do not currently address, council wishes?

Commented [FR50]: I'm unclear as what type of "report" this applies to.

Commented [JB51R50]: Is this a like one of our master plans?

Commented [FR52]: Does the Council want unanimous for approval of the consent agenda?

³City charters sometimes contain voting requirements. Any voting requirement must comply with the city charter.

2. The following shall take effect immediately upon its passage:
 - a. Ordinances making appropriations and the annual tax levy;
 - b. Ordinances relative to local improvements and assessments; and
 - c. Emergency ordinances.
3. All other ordinances shall take effect thirty (30) days after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
4. The filing of a referendum petition shall suspend the effective date of an ordinance.

CHAPTER 6 – Minutes

I. **Generally.**

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

II. **Approval.** The Council shall approve all minutes of any meeting.

- A. All minutes shall be approved within ninety (90) days of the meeting having occurred.
- B. The draft minutes shall be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
- C. Any member of the Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

III. **Recording of Meetings:** All Meetings of the City Council held in the City of Millersburg City Hall, except executive sessions, special meetings, and those work sessions in which the public notice states that no action will be taken, shall be recorded by the City on an audio/visual recording device, unless otherwise authorized by law and a majority vote of the Council.

CHAPTER 7 – Appointments

Commented [KK53]: This is model language, council's wishes?

- I. **Appointment of City Manager.** The Council hires the City Manager by a majority vote of the Council.
 - A. Reviews. The City Manager shall be subject to an annual review by the Council.
 - B. Removals. The City Manager may be removed by a majority vote of the Council.
 - C. Interference. If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance shall the Council be permitted to interfere with the judge's exercise of judicial authority or discretion.
- II. **Hiring of City Staff.**
 - A. The City Manager hires and removes all City staff.
- III. Citizen Committees, Boards, and Commissions: The Council may create Standing or Ad Hoc committees as well as boards and commissions to assist in the conduct of the operation of City government with such duties as the Council may specify not inconsistent with the City Charter and municipal code. Each committee will have a written purpose provided by the Council, an identified leader and other information as deemed necessary to help them be successful and focused. Whenever possible or deemed appropriate a Council member should participate on committees.
- IV. Membership and Selection: Membership and selection of members shall be as provided by the Mayor, subject to Council approval, if not specified otherwise in the City code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the Mayor except as otherwise specified in the City code.
- V. Removal of Members of Boards and Commissions: The Council may remove any member of any board or commission which it has created by an affirmative vote of a simple majority of the Council.

Commented [KK54]: Current language – from our boards and commissions document

CHAPTER 8 – Ethics, Decorum, Outside Statements

Commented [KK55]: Model language, differs from current rules of procedure, council's desire?

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

CHAPTER 9 – Interactions with Staff & City Attorney

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

Commented [KK56]: Model language, does council wish to include?

CHAPTER 10 – Censure and Removal

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

Commented [KK57]: Model language, does Council wish to include?

CHAPTER 11 – Amendment and Repeal

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

Commented [KK58]: This is model language, not addressed in current rules of procedure, would council like to include?