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#### Rules of Conduct for Public Meetings

No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting. Microphones will be muted and webcams will be turned off for remote participants unless called upon to speak or during public comment period.

Persons shall not comment or testify without first receiving recognition from the presiding officer and stating their full name and city of residence.

During public hearings no person shall present irrelevant, immaterial, or repetitious testimony or evidence.

There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting. If online participant(s) disrupt the meeting, the participant(s) microphone and webcam will be turned off. If disruption continues, the participant(s) will be removed from the meeting.

## CITY COUNCIL PUBLIC HEARING & REGULAR MEETING

**In-Person Meeting with Remote Access Available**

Millersburg City Hall  
4222 NE Old Salem Road, Millersburg OR 97321  
August 8, 2023 @ 6:30 p.m.

### Agenda

Remote access for the meeting is available. Instructions for joining the meeting can be found at <https://www.cityofmillersburg.org/citycouncil/page/city-council-regular-meeting-32>. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Monday, August 7, 2023.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/11597014359>

Phone number to join meeting: 503-212-9900

Meeting ID: 115 9701 4359

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. CHANGES AND ADDITIONS TO THE AGENDA

E. CONSENT AGENDA

- 1) Approval of July 11, 2023, City Council Meeting Minutes  
Action: \_\_\_\_\_

F. GUEST PRESENTATIONS

- 1) Linn County Sheriff's Office Monthly Report

G. PUBLIC HEARINGS

- 1) HI 23-01  
The proposal consists of adding a Historical Property Overlay Zone (HPO) to the historic structure/property at 38794 NE Morningstar Road, also known as the Morningstar Grange  
Action: \_\_\_\_\_

H. COUNCIL MEMBER AND STAFF COMMENTS

I. CITY MANAGER'S REPORT

- 1) Project Updates

- 2) Transition Parkway Design Update
- 3) Urban Renewal

J. CITY ATTORNEY'S REPORT

- 1) Report from Executive Session

K. UNFINISHED BUSINESS

L. NEW BUSINESS

- 1) Events Committee Appointment  
Action: \_\_\_\_\_
- 2) Parks Commission Appointment  
Action: \_\_\_\_\_
- 3) Council Rules of Procedure Update  
Action: \_\_\_\_\_

M. PUBLIC COMMENT

*The public has the opportunity to address the Council during "Public Comment" while in the virtual meeting by virtually signaling by unmuting first, then those who call in will be acknowledged, or if the public prefers, may send written comments by email to [cityclerk@cityofmillersburg.org](mailto:cityclerk@cityofmillersburg.org). Please limit comments to one page and include your name and address. Emails received before 5:00 p.m. on the day of the meeting will be included and read into the record for comments by the Council.*

N. CLOSING COUNCIL COMMENT

O. ADJOURNMENT

Upcoming Meetings & Events:

For a schedule of meetings and events, visit the City's website calendar at <https://www.cityofmillersburg.org/meetings>

*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 458-233-6300.*



## CITY COUNCIL PUBLIC HEARING & REGULAR MEETING MINUTES

July 11, 2023 @ 6:30 p.m.

- A. CALL TO ORDER Meeting called to order by Mayor Cowan at 6:30 p.m.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL  
Councilors Present: Mayor Scott Cowan, Councilors Dave Harms, Mike Hickam, and Mark Raum  
  
Councilor Absent: Councilor John Sullivan  
  
Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Jamie Comin, Billing Collections Specialist; Alan Sorem, City Attorney; Sheena Dickerman, City Recorder
- D. CHANGES AND ADDITIONS TO THE AGENDA **6:30 p.m.**  
City Recorder Sheena Dickerman explained that the minutes for approval on the consent Agenda were for the June 13, 2023, Council meeting and not for May.
- E. CONSENT AGENDA **6:31 p.m.**  
1) Approval of June 13, 2023, City Council Meeting Minutes  
2) Repealing No Parking Zone on Amanda Lane – Ordinance 205-23  
3) Resolution for Recognition of City Attorney Forrest Reid – Resolution 2023-12

Action: **Motion to approve the Consent Agenda as corrected made by Councilor Mark Raum; seconded by Councilor Dave Harms**

**Mayor Scott Cowan: Aye**  
**Councilor Dave Harms: Aye**  
**Councilor Mike Hickam: Aye**  
**Councilor Mark Raum: Aye**

Motion PASSED:4/0

Mayor Cowan read Resolution 2023-12 recognizing retired City Attorney Forrest Reid. He expressed his appreciation for all that Reid had done and his dedication to the City. He introduced Reid's wife, Shelley and acknowledged her hours of sacrifice.

Jim McWade, the previous City Engineer, stated that Reid was a great partner on many business projects and was always professional.

Reid praised McWade and Assistant City Manager Janelle Booth for all their professionalism and assistance over the years, and all the work that was done in reuniting Albany and Millersburg. He said has enjoyed working with the Albany Fire Department (AFD), Linn County Sheriff's Office (LCSO), the citizens, Council and staff over the years on what can "we" do to make this an outstanding community. The City has doubled in size since he started. He recognized the current and upcoming leadership was doing excellent work. He was comfortable seeing new City Attorney Alan Sorem coming in. He thanked Jim McWade for coming and acknowledged that he couldn't do any of the work he had done without his wife's support.

F. RECESS

6:41 p.m.

Cowan announced a recess for a reception for Forrest Reid.

G. GUEST PRESENTATIONS

7:00 p.m.

1.) Linn County Sheriff's Office Monthly Report

Deputy Steven Frambes, LCSO, reviewed the monthly LCSO report. Frambes shared that there were five less crashes but seven more arrests this past month. He listed the arrests. He shared that the dog calls listed were all at the same house. There was an overdose investigation. Since school is out there have been multiple curfew violations. There was one property crime near Oregon BBQ. He said one of the crashes was a DUI.

Councilor Mike Hickam asked if it was a County curfew or City. Frambes replied that Millersburg has its Municipal Code curfew. City Manager Kevin Kreitman said that the curfew was at 11 p.m. Frambes said each city has their own but the cities are working to make the curfews the same. Some cities have different times during the week, which makes it difficult to enforce. He said the City of Millersburg has a user-friendly website which makes it easier for deputies to access information.

Cowan asked if Albany has a curfew. Frambes affirmed. Cowan asked what the City of Albany's curfew was. Frambes replied that he didn't know, each city has its own. Cowan said it would be good to have the same as Albany's.

2.) Albany Fire Quarterly Report

Deputy Chief LaBelle went through Albany Fire Department's quarterly report\*. He said there has been an increase in total responses to Millersburg this year. Response times have seen an improvement in the past year. He acknowledged how fast dispatch getting the calls out and the new fire station contributing to the improvement for response times. He acknowledged that Station 15 crew's turnout time is some of the best.

LaBelle said there were no changes for community paramedic referrals. Life Safety evaluations are low, due to the loss of staffing a deputy fire marshal.

LaBelle continued to types of calls specific to Millersburg; most calls are sick calls on the EMS side and Fire alarm calls on the fire side are the ones that are most calls for Albany and any of their rural districts.

Councilor Mark Raum asked if the 303 calls were specific to Millersburg community. LaBelle affirmed. Raum asked how the data was extrapolated. LaBelle replied that Chief Wooten receives the information from the dispatch center, the data specific for Millersburg.

Hickam asked what the metric was for response times. LaBelle explained that on the fire side the national standard is to have all apparatus on site within 8 minutes. For a house fire it's 18 fire fighters. He said that on the EMS side, it's having the first truck on site within 6 minutes and start transporting a patient in under 9 minutes. There is always room for improvement.

LaBelle shared that July 4, 2023, was a busy day. Albany Fire increased staff. They put a brush rig in Millersburg for the day. There was a small fire in Millersburg caused by fireworks, by Alexander Lane. The homeowner was able to extinguish before crews arrived on scene. With the increase for calls for service, they are starting up the single role EMS program again. This will add an additional ambulance 7 days a week, 12 hours a day, stationed at Station 11. They are currently in the process of hiring for this program and hoping to have them online in the middle of September. He said they have purchased an additional refurbished ambulance. It saved AFD \$60,000 and said the wait time is a year and half or two years out to purchase a brand new one.

LaBelle shared that AFD had their annual safety camp in June. One hundred children participated. Safety camp is a joint effort with the police department and other agencies. He shared that during the previous weekend one of their female firefighters was at the fairgrounds at the Linn County Women's Fire Academy. The academy is for High School young women interested in fire service and to provide an opportunity for them to learn about fire service, it is also a recruiting tool.

Cowan asked how many participated in the Academy. LaBelle replied 25. Cowan asked him to explain what single role and dual role were and the benefits of a dual role for a structure fire. LaBelle replied that the single role is personnel doing EMS calls with no firefighting duties. The primary goal is for them to do patient transfers. Patient transfers can take a crew out of service for 4 hours. This allows the dual role, firefighter/EMS staff, to respond to medical calls but supplement the fire staffing.

Albany Fire Department staff, Firefighter/Paramedic Ronnie Garcia, Adam Berg and Steve Lynn, presented a new tool for the City, an Autopulse. Cowan reminded Council that the purchase of the tool was approved in the budget. AFD staff passed around a handout\*.

Garcia said there were two different kinds, one is more like a piston hitting the sternum and this one was compressions on the chest. There are a lot of studies that

show the percentage of success for this type, compressions on the chest. If a patient fits the criteria then AFD will apply the Autopulse. The team demonstrated how to put it on. He said that this provides compressions while the patient is being transported. The case study in the handout mentions a patient that was transported three flights of stairs using the device. He added that normally it would usually take multiple personnel that would cycle through doing compressions. After two minutes of compressions personnel loses stamina. The device allows continuous compressions.

Garcia said the device weighs 20 pounds and the battery weighs three pounds. A battery can last up to 30 minutes and want to carry a couple batteries at a time. He shared about an accessory that helps with lung capacity. Patients that will be able to use the Autopulse will weigh 90 to 300 pounds and have a circumference limit of 30 to 51 inches. In March the cost was estimated at \$16,000.

Raum asked if there was something smaller for pediatric patients. Garcia replied no. Cowan reminded that the Autopulse will be on the engine at Station 15. That is one less person doing compressions and available to do lifesaving skills. Garcia commented that Albany General Hospital staff said it was quieter and noticed the change.

- H. PUBLIC COMMENT **7:23 p.m.**  
None
- I. COUNCIL MEMBER AND STAFF COMMENTS **7:23 p.m.**  
None
- J. CITY MANAGER'S REPORT **7:23 p.m.**

1) Project Updates

Booth gave brief updates on the following: crack sealing has been completed, bids for the City Ballot drop box area have come in, she is working with Oregon Department of Transportation (ODOT) regarding the Old Salem Road Guardrail, ODOT and Linn County have more paperwork to do for the Waverly Drive Cox Creek Bridge Grant, and the Regionally Significant Industrial Sites (RSIS) have been completed and signed. City Manager Kevin Kreitman added that after the approval ATI property and some Linn County properties have been included in the RSIS area and are now eligible for reimbursement.

Booth shared that after the agenda had been put out the Old Salem speed zone study process has been completed by ODOT. ODOT asked for the City and Linn County to concur with the study. The City has concurred. Once the County concurs with the study and then ODOT issues the speed zone order, the north end will change to 35 miles per hour and Linn County will do the signs.

Booth shared a handout on Jacobs' quarterly report\* for DRC services. Jacobs will no longer be providing this service at the end of the calendar year. Staff reached out to City of Albany (COA) a few years ago to see if any of their staff would do it and they were unable to do it at that time. Staff will ask COA again. If they are unable there is the possibility of having someone in-house receive the certification or contracting with someone else. Since the City is a water provider it is a requirement from the Oregon Health Authority. There are four tiers of certification. The City is the lowest tier because all the City does is the distribution system. This will be worked out by the end of the year. Kreitman added that the City owns the distribution center but has joint ownership with Albany for the treatment and storage and this is why COA covers the City in the other areas that are required.

Booth explained that the person must have certification to say that the system is operating within all the health and safety requirements. Albany operates and maintains the City's system but since the City owns it, the City reviews and approves projects, Albany's operators were not comfortable with putting their certification on projects the City reviews. It is minimal work but has responsibility as the person oversees the sampling. The City already does the sampling ourselves. The need is for someone who has experience and certification to oversee it and ensure compliance with applicable laws. Raum asked if the sampling person needed to be certified. Booth explained that they didn't.

## 2) Transition Parkway Design Update

Booth shared that 60% design review has been completed\*. The south side will have a retaining wall to get enough height on the berm. The City is looking at modular blocks, trying to find an aesthetic but cost-effective way. AKS has submitted the wetland permitting and Jacobs has provided an updated construction cost and schedule which she has not reviewed in detail. The cost estimate has gone up since the conceptual due to the retaining wall. She will have more details later. Upcoming tasks are to select light fixtures and continue wetland permitting support.

Raum asked if the project date was on target. Booth affirmed. Cowan asked if there would be time for a work session or an opportunity for Council to have a chance to look at light fixtures. Raum asked about community input. Booth said a struggle is the timeline. She has been trying to find somewhere local where staff could physically look at the fixtures and see what the light gives off in the dark. Kreitman added that another consideration is the cost; the initial, ongoing, maintenance costs, and how it impacts surrounding residents. He suggested limiting it to two or three fixtures to review. Booth added that the previous work session and open house have been the guiding principles in narrowing the selection down. Cowan asked for a couple to be brought before Council.

Cowan asked if there was a sidewalk on the south side. Booth affirmed. She said on the north side, the multiuse path is taking place of a continuous sidewalk. There will be access points. There will be bike lanes on both sides. Cowan asked how tall the berm would be. Booth replied that from Conser Road to the top of the berm there is approximately a 6-foot elevation difference. She explained that the need for a retaining wall is because the road is lower by design. It is anticipated that the development to the south will need that elevation. The vegetation will be screening.

Hickam asked if there needed to be a bike lane. Booth replied that Conser Road does not have bike lanes and would not as a part of this project. She said bikes could be on the multiuse path. For those that do more cycling they often choose to ride on the road instead of on multiuse paths.

3) Urban Renewal

Kreitman said two individuals have been identified. Staff will have a discussion with City Attorney Alan Sorem and hope to have something to report in the future.

K. CITY ATTORNEY'S REPORT

7:41 p.m.

1) Wilbur-Ellis Update

City Attorney Alan Sorem gave a status update on a project located west of the railroad tracks. Two years ago, the City entered into a long-term ground lease with Wilbur Ellis. Their due diligence period has been extended to August 31, 2023. He hopes to have more of an update by next month. There is a challenge that they are working toward resolving. They had filed for a site plan review and a partition application that was approved with conditions of approval for secondary emergency access over the railroad. Staff have been working with the railroad company and believed that they would grant the request for an easement. That easement will not be forthcoming. Wilbur Ellis will be meeting with AFD and Linn County Building officials to see if they can design a facility, through improvements in accordance with the fire code, sprinklers or any combination of design modifications to meet the health, safety and fire codes. If that is the case, they can come back and modify their site plan. The City continues to work with them on this project. The City is not in a position where we can sell the property yet because the partition is not completed. There is no specific proposal for Council now but hopefully by next month will have an offer or a substantive update addressing their access issues. Cowan said he hoped Wilbur Ellis would be able to work something out.



L. UNFINISHED BUSINESS

7:43 p.m.

1) Cemetery PLA and ROW Vacation Resolution

Kreitman reminded that there was a verbal report during last month's Council meeting about going out for a vacation of the right-of-way. Staff is looking for Council to codify their support of the project. Booth said staff is doing clean up of property lines around the cemetery, with full support from the cemetery. There is a strip on the east side of Woods Road that is right-of-way that no one knew about. The total project would be to vacate all of that. Staff and cemetery personnel are still working on the mechanism of what will be done. Sorem added that there has been a determination that there is not a public need for that portion of property. Booth added that whether the City is using the vacation process for the cemetery property, the property on the east side of Woods would be a vacation. There are specific noticing and posting requirements. A motion needs to be made to initiate the process. It will be returned to a public hearing at a later date.

Raum asked if the City was vacating property or vacating easement. Sorem explained that is part of the research staff is looking into as it has been difficult to know what the City owns.

Raum asked if there had been conversations with the four property owners. Booth said that each one would be contacted before the public notice would be sent out. She explained that the City will follow all noticing requirements even though it only impacts those four property owners. She said it is clear it is road right away. It is ambiguous if it is 40-to-60 feet. The City is fortunate that the cemetery is a willing partner. The City is figuring out the right legal path.

Action: Action: **Motion that the City Council declare the City owned property shown in the Property Map exhibit attached to the Council Agenda item No. L(1) is not needed for public use and the City Staff initiate the right of way vacation and property exchange procedures necessary to complete the road vacation and exchanges shown therein made by Councilor Mark Raum; seconded by Councilor Dave Harms**

<b>Mayor Scott Cowan:</b>	<b>Aye</b>
<b>Councilor Dave Harms:</b>	<b>Aye</b>
<b>Councilor Mike Hickam:</b>	<b>Aye</b>
<b>Councilor Mark Raum:</b>	<b>Aye</b>

Passed 4/0

M. NEW BUSINESS

7:51 p.m.

1) South Albany High School Donation Request

Kreitman reminded that as part of the Budget Committee a request was brought up about supporting the South Albany High School Senior All Night

Party. It was recommended that they bring it to the City Council after the adoption of the budget. They are asking for \$1,000.

Cowan shared that he supported the request. This gives the High School Seniors an opportunity to have one last night out. He asked Rob Yencopal if they were doing other fundraising.

Rob Yencopal explained that there is a goal of \$20,000. The fundraisers in the past have been a 50/50 raffle at a football game, a basketball hoop shoot, a Halloween dance, and traditionally a large raffle, yet to be determined. In the past the raffle has been a stay at Black Butte or Eagle Crest or some other location. They are working with local places for donations and prizes to draw kids in.

Cowan asked for a follow-up if Council approves the donation request.

Action: **Motion that the Council approve the donation request in the amount of \$1,000 for the South Albany High School Senior All Night Party made by Mayor Scott Cowan; seconded by Councilor Dave Harms**

Discussion:

Doug Iverson, Millersburg asked if transportation was provided to the event. Yencopal replied that several parents are involved, and transportation is provided. Iverson asked if they were locked into Bullwinkle's. Yencopal affirmed. There are chaperones. Iverson asked how many attended. Yencopal replied it was approximately 150 this year, just over 50 percent of total students. It was down from previous years. They do want to make sure there were scholarships opportunities.

Iverson said that the Oregon Legislation passed SB 744 in 2021 that directs the Department of Education to stop requirements for the essential skills for graduation. He expressed that he didn't believe supporting the event supports or benefits Millersburg. Yencopal replied that Iverson doesn't see the effort the kids have put in.

Cowan appreciated both coming forth. He said graduation is a huge accomplishment and transition for kids. He said if the City could show their support of the HS kids that do live in the community it would be money well spent. He has participated in the event.

Hickam added that although there is no proficiency testing there is personalized graduation to bend their graduation to their career goals. There are still core requirements to graduate and pass those classes.

Vote: **Mayor Scott Cowan: Aye**  
**Councilor Dave Harms: Aye**  
**Councilor Mike Hickam: Aye**  
**Councilor Mark Raum: Aye**

Passed 4/0

Kreitman added that lives are saved by having senior all night parties. In the past he has responded to fatality calls on kids that hadn't participated. There would be more fatalities without the all-night parties. Cowan agreed.

Kreitman said he had received an email\* from Wendy Joy about a neighborhood party at the National Night Out. They are requesting funds. It will be at the Park. Raum asked which park. Kreitman said it is within the budget.

Wendy Joy, Millersburg- shared why neighborhood watch was important to her. She has done National Night Outs in the past but it has been on hiatus for a few years. She plans to bring it back. Her desire is to bring all the Millersburg Residents together. She shared a flyer regarding National Night Out\*. She has paid for it in the past and Millersburg has helped financially in the past. She plans to have everyone who comes to donate food to FISH. She is requesting the City pay for the food and plates, \$500. She decided not to mail postcards due to the cost. She will put flyers on mailboxes. She plans on having games and tables for local business. The event is Tuesday, August 1, 2023, from 5 p.m. to 8 p.m. It is always held on the first Tuesday of August.

Hickam encouraged Joy to meet with the Events Planning Committee. Joy shared that she had a late start on planning the event. Cowan believed that the Committee might be willing to help with the event and, in the future, may help with canvassing.

Joy mentioned that people in the community have voiced that they are missing the Farmer's Market happening this year. Cowan explained that it was not a City event. Booth added that the person who volunteered for the event couldn't do it this year and couldn't find someone to take over. Cowan said that the Farmers Market is on the Events Committee radar. He said Joy would be a good fit on the Events Committee.

Kreitman said staff has already committed sponsor to the event.

**N. CLOSING COUNCIL COMMENT**

**8:20 p.m.**

Cowan said he would not be at the next Council Meeting. Raum said that the Millersburg Celebration is on hiatus this year due to lack of volunteers.

Iverson said there is a Planning Commission meeting the night of National Night Out. Kreitman explained that there is already an agenda item that has been posted for the Planning Commission. He said if the National Night Out is happening in the future all committee members could be encouraged to participate.

**O. ADJOURNMENT** Mayor Cowan adjourned the regular meeting at **8:22 p.m.**

Respectfully submitted:

Reviewed by:

Sheena Dickerman  
Billing Collections Specialist

Kevin Kreitman  
City Manager

\*Presentation materials or documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing [info@cityofmillersburg.org](mailto:info@cityofmillersburg.org).

DRAFT





**City of Millersburg**  
**Historic Landmark Committee**  
**STAFF REPORT:**

**July 5, 2023**

**File No: HI 23-01 Historic Property Overlay Zone (HPO) for the Morningstar Grange.**

**Proposal:** The proposal consists of adding a Historical Property Overlay Zone (HPO) to the historic structure/property at 38794 NE Morningstar Road, also known as the Morningstar Grange.

**I. BACKGROUND**

- A. Applicant: City of Millersburg
- B. Location: 38794 NE Morningstar Road
- C. Review Type: The Millersburg Development Code does not specify a review type for the designation of a Historical Property Overlay Zone. Staff has used a Type IV, quasi-judicial case type because this is the process used for zone change applications, which is similar to the designation of a zoning overlay.
- D. Public Notice and Hearing: Section 2.13.050(3) regulates the implementation of new historic overlay zone designations. The Code does not specify hearing notice requirements. As such, staff followed the standard notice requirements for new zone designations from Code section 5.20, which specifies the process for Type IV cases such as zone changes. More specifically staff used the process for quasi-judicial type IV cases as outlined in Section 5.20.010, which requires a newspaper notice, posting in City Hall, and notices mailed to neighbors within 200 feet of the property limits at least 20 days prior to the first hearing. The notice was posted in City Hall before July 5, 2023. Notices were mailed to the neighbors before July 5, 2023. The newspaper ran the notice on July 3, 2023. Information related to the hearing is posted on the City's website here - <https://www.cityofmillersburg.org/planning/page/land-use-matters-application>.
- E. Review Criteria: Millersburg Development Code; Section 2.13.050(4).
- F. Background: The Morningstar Grange was built in 1901, at the cost of \$85. The building is now 122 years old. The facility and the Grange organization has continued to serve not only the citizens of the City, but the surrounding farming community as well. The Morningstar Grange #311 is a branch of the national Grange organization. The Grange property was not originally part of the creation of the City of Millersburg, it was annexed into the City by Ordinance No. 64 in April of 1990.

Regarding the larger Grange organization, according to Wikipedia:

*The Grange, officially named The National Grange of the Order of Patrons of Husbandry, is a social organization in the United States that encourages families to band together to promote the economic and political well-being of the community and agriculture. The Grange, founded after the Civil War in 1867, is the oldest American agricultural advocacy group with a national scope. The Grange actively lobbied state legislatures and Congress for political goals, such as the Granger Laws to lower rates charged by railroads, and rural free mail delivery by the Post Office.*

*In 2005, the Grange had a membership of 160,000, with organizations in 2,100 communities in 36 states. It is headquartered in Washington, D.C., in a building built by the organization in 1960. Many rural communities in the United States still have a Grange Hall and local Granges still serve as a center of rural life for many farming communities.*

The Grange Staff has indicated that with a Millersburg Historical Overlay Designation, they could apply for Federal Grants funds to renovate the facility. Though this was the impetus for City Staff to propose the designation of the overlay zone, it was also clear that the sheer age of the structure and the relationship of the organization with the community also were strong rational for the application.

## **II. CRITERION**

Generally, the criteria for amending the zoning map in the Millersburg Development Code come from Chapter 5. However, the criteria for the application of a Historic Overlay are located in the zoning chapter, Chapter 2. While the application of a zoning overlay does designate a kind of zoning to a property, the criteria for the application of a zoning overlay does not come from the Chapter 5 Zone Change criteria. This is because the criteria in Chapter 2 for the overlay are more specific to the application of Historic Property Overlay to a property. Elements of the Chapter 5 Type IV zone map amendment process were used for this application; specifically the notification requirements and the posting of the project with the Department of Land Conservation and Development (DLCD). These were used because the code was silent on the proper notification requirements for the overlay in Chapter 2; however, the code is very clear on the required criteria for the designation of the overlay.

Additionally, it should be noted that the City criteria for the designation of a historic overlay operate differently than other criteria in the Development Code. Specifically, the criteria for the designation of an overlay uses the word "consider." Thus, the criterion require the Committee and the Council only "consider" each criterion. The use of this word implies that approval of the application need not conform or comply with each criterion; rather, the Committee and the Council should weigh all criteria together as a whole, not apply only each criteria absent the rest. By way of example, the cabin where Abraham Lincoln was born would not meet most of the criteria listed below, but when all criteria are weighed together, it clearly would. It is assumed that the Code did not intend for a historic property to have to meet the letter of each criteria. This is the only case type in the Code that uses the term 'consider.' All other criteria in the code (for other case types) say the project shall be consistent with all criteria, or that the project shall satisfy all criteria.

The project does not comply with each criteria listed, but does comply with most. The Committee and Council should apply discretion to weigh all criteria together. Staff concludes below that the Grange does meet the criteria when weighed as a whole and should therefore be designated historical.

### 2.13.050 Landmark and Zone Designation.

**(4) Decision Criteria. The Historic Landmark Committee and the Council shall consider the following criteria in determining whether to approve a proposed landmark or zone:<sup>1</sup>**

**a. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, county, state, or nation;**

**ANALYSIS:** The Grange organization has always been a support to the residents of the City and the farming community beyond. The Grange regularly holds community wide events, including the haunted house at Halloween and organizing a community wide garage sale. The hall itself is available to rent for special events such as weddings and family reunions. The educational aspect of the Grange and economic contributions associated with that element are discussed in detail below.

**FINDING:** Based on the analysis above, the project meets this criterion.

**b. Association with an event that has made a significant contribution to the City, county, state, or nation;**

**ANALYSIS:** The Grange has seen many people shuffle through its board and body membership over the years. The Grange has continued to operate since it was open in 1901. Though it cannot be said that the Grange has had a single event that has contributed to the area, state, or nation, it has been a support system to its membership that live in the area, including inside the City of Millersburg.

**FINDING:** Based on the analysis above, the project does not specifically comply with the criterion; however, it is not detrimental to the purposes of the criteria. This does not disqualify the proposal from approval by the City Council because the criteria need only be considered, not satisfied.

**c. Association with broad patterns of political, economic, or industrial history in the City, county, state, or nation;**

**ANALYSIS:** Assistance with agriculture has been the hallmark of the Grange organization nationwide. It is structured in the nature of a fraternal order and acts a gathering place of agricultural ideas and political participation. The local Grange in Millersburg helps keep the local farmers plugged into a larger Grange farming community, centered in Washington DC. Grange membership has diminished over the years, now representing less than 2% of the peak

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1



membership levels.<sup>2</sup> However, when viewed through history, the Grange once played a significant role in the farming community, and agriculture once played a more significant role in the US economy.<sup>3</sup> Thus, the Grange membership reflects the changing role of agriculture through the life of our nation as a whole. This makes the Morningstar Grange Hall historically significant, because it embodies the changing patterns of the economy throughout the history of the nation.

**FINDING:** Based on the analysis above, the project meets this criterion.

**d. Significance as an example of a particular architectural style, building type, and/or convention;**

**ANALYSIS:** Many of the Grange Halls across the United States share a similar appearance. The Morningstar Grange reflects a simpler style and does not include any ornate architectural features, indicative of both the historical use of these types of structures and the mission of the use. While the building is not unique, the fact that the building typifies the use, is consistent with a desire to preserve this historic structure.

**FINDING:** Based on the analysis above, the project does not specifically comply with the criteria; however, this criterion does not center on architectural significance, but rather focuses on the preservation of a variety of buildings, representing different aspects of . This does not disqualify the proposal from approval by the City Council because the criteria need only be considered, not satisfied.

**e. Significance due to quality of composition, detailing, and/or craftsmanship;**

**ANALYSIS:** Similar to the analysis shown above for item d., the Morningstar Grange Hall is a relatively simple structure, with no architectural ornament that makes it stand out. The craftsmanship is apparent due to the fact that the building is still standing after more than 120 years.

**FINDING:** Based on the analysis above, the project does not specifically comply with the criteria; however, it is not detrimental to the purposes of the criteria. This does not disqualify the proposal from approval by the City Council because the criteria need only be considered, not satisfied.

**f. Significance as an example of a particular material and/or method of construction;**

**ANALYSIS:** Again, the materials represent the kinds of building materials that were available at the turn of the century, mostly wood construction. This reflects the strength of the timber industry in the area. While this is representative of the

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<sup>2</sup> [https://en.wikipedia.org/wiki/National\\_Grange\\_of\\_the\\_Order\\_of\\_Patrons\\_of\\_Husbandry](https://en.wikipedia.org/wiki/National_Grange_of_the_Order_of_Patrons_of_Husbandry)

<sup>3</sup> In terms of labor, which would mirror the membership of the Grange, <https://www.usda.gov/media/blog/2020/03/05/look-agricultural-productivity-growth-united-states-1948-2017>

construction materials used in the area, it does not rise to the level of being unique or representing any kind of significance for the Morningstar Grange Hall.

**FINDING:** Based on the analysis above, the project does not specifically comply with the criteria; however, it is not detrimental to the purposes of the criteria. This does not disqualify the proposal from approval by the City Council because the criteria need only be considered, not satisfied.

**g. Significance because the resource retains its original design features, materials, and/or character;**

**ANALYSIS:** The structure standing today on the Grange property is almost exactly as it was in 1901. The structure has been maintained, but is largely original to the design, and reflects the needs of the society when it was built here in 1901. Grange Halls were typically a very simple structure to reflect the membership-people of an agriculture nature who did not need to show opulence or power through the design of the structure. They only needed a simple, strong structure that was adequate to meet the needs of gathering the community. The Hall here in Millersburg follows these tenants. It was built in a very simple design. The plans for the Hall were provided by the larger Grange Organization based on information provided from the staff of the current Grange Hall. Therefore, while the building may not be able to claim significance in its style, or its materials, it can certainly claim that it is a significant representation of the structure as it was built in 1901, and that it is a clear representation of Grange Halls across the United States.

**FINDING:** Based on the analysis above, the project meets this criteria.

**h. Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction;**

**ANALYSIS:** The Morningstar Grange is not unique in its ability to stand the test of time, in fact, many of the Grange Halls in the Willamette Valley remain standing and in use today. This includes Mary's River Grange in Philomath, the Fairmont Grange in North Albany, the Macleay Grange near Aumsville, the Rickreall Grange near Dallas, or the Willamette Community Grange near Corvallis. Therefore, the Morningstar Grange does not specifically meet this criterion.

**FINDING:** Based on the analysis above, the project does not specifically comply with the criterion; however, it is not detrimental to the purposes of the criteria. This does not disqualify the proposal from approval by the City Council because the criteria need only be considered, not satisfied.

**i. Significance as a visual landmark;**

**ANALYSIS:** The location of the Morningstar Grange does make it a significant landmark because it sits at the edge of the Millersburg City limits. Therefore, it

acts as a marker to let people know they are leaving the City traveling northbound on Morningstar Road, or that they are coming into the City limits if they are traveling southbound. Currently, Morningstar Road is the only road that leaves the City to the north.

**FINDING:** Based on the analysis above, the project meets this criterion.

**j. Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented;**

**ANALYSIS:** The City of Millersburg features a number of areas, industrial south of Conser Road, and mostly urban residential between Conser Road and Millersburg Road. The area north of Millersburg Road is currently larger residential lots. Traveling north of Millersburg Road on Morningstar Road, the area is more rural in nature, with large barns and some historical structures. Past the Grange property as you leave the City, there are large lot farms. The Grange sits well in this context. The barns, historical buildings and farmland match the look of the Grange building and the intent of the Grange organization, as it sits today.

**FINDING:** Based on the analysis above, the project meets this criterion.

**k. Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community;**

**ANALYSIS:** As stated above, the Grange Hall currently does add to the character of the surrounding properties. This may not always remain this way. The property surrounding the Grange could be further divided for residential uses. Any property with Rural Zoning automatically qualifies for an up zone to a more urban zone upon further subdivision. The reason this is being emphasized is that the designation of a Historical Overlay on the Grange property should not be construed as the City's intention to restrict further urban development on the property surrounding the Grange Hall. Having that said, as the structure sits today, it certainly contributes to the rural feel of this part of the City.

**FINDING:** Based on the analysis above, the project meets this criterion.

**l. Significance because the property is 50 years old or older in conjunction with other criteria listed above;**

**ANALYSIS:** The property was built in 1901, the structure is now 122 years old.

**FINDING:** Based on the analysis above, the project meets the criterion.

**m. The resource is listed on the National Register of Historic Places.**

**ANALYSIS:** The property is not listed on the National Register of Historic Places. The designation of the local significance, through the application of the

Historical Property Zoning Overlay, will help further the Grange's ability to gain Federal recognition.

**FINDING:** Based on the analysis above, the project does not specifically comply with the criterion; however, it is not detrimental to the purposes of the criteria. This does not disqualify the proposal from approval by the City Council because the criteria need only be considered, not satisfied.

**III. STAFF RECOMMENDATION TO THE HISTORICAL LANDMARK COMMITTEE**

Based on the above findings of fact, the proposed Historic Property Overlay Zone Map Designation satisfies applicable criteria when all criteria are considered as a whole. Staff recommends that the Historic Landmark Committee recommend approval of Application No. HI 23-01 to the City Council.

**IV. STAFF RECOMMENDED MOTION FOR TO THE CITY COUNCIL** *(assuming the Historic Landmark Committee recommends approval)*

Based on the findings of fact in the staff report, the proposed Zone Map Amendment satisfies applicable criteria. Staff and the Historic Landmark Committee recommend that the City Council approve HI 23-01 and adopt Ordinance No. 204-23.

**V. EXHIBITS**

- A. Vicinity Map
- B. Zoning Map
- C. Public Hearing Notice



City of Millersburg

MEMO to Historic Committee

**RE:** Additional information for HI 23-01 a Historical Property Overlay Zone (HPO) to the historic structure/property at 38794 NE Morningstar Road, also known as the Morningstar Grange.

The Grange provided the attached additional information which is additional evidence to support the findings.



*This certificate of recognition  
is presented to*

*Morning Star Grange #311*

**In appreciation of your service to your community,  
your Grange and mankind. Your dedication is  
gratefully and sincerely recognized by the  
Oregon State Grange.**

**Given this 20<sup>th</sup> day of June, 2023**

  
**Elizabeth Dehne, Director  
Community Service**

  
**Jay Sexton, President  
Oregon State Grange**



Display boards for the 4-H members projects were displayed around the room where the silent auction items were displayed.

## Morning Star Helps Local 4-H Club

On Saturday March 18th Morningstar Grange #311, Linn County hosted a Spaghetti Feed Fundraiser for the Valley Livestock 4-H Club of Jefferson.

Meal included spaghetti, sauce, salad, bread, beverages and dessert. There was also a Silent Auction and items for sale that the children have made. It was the first time the club and the Grange had worked together on a fundraiser for the 4-H.

donated by local business and individuals as well as handcrafted items made by club members.

The club has fourteen members with projects including chickens, goats, sheep, rabbits, and turkeys. Non animal projects include cooking, gardening, photography, pottery sewing and welding.

It was a successful evening with a gross from the dinner and auction of \$2,825.98.

The silent auction featured items



Most club members and 10 adults prepared/served meal.



April/May 2023

# Morning Star Collects For Food Pantry

On February 9<sup>th</sup> Morning Star Grange #311, Linn County gathered to sort and weigh the non-perishable foodstuffs the Grange had collected in the Grange food bank from July 1 through December 31, 2022. There was a total of 409 pounds of non-perishable foodstuffs.

Then on February 16<sup>th</sup>, Connie Lambert of the Jefferson Food Pantry arranged for volunteers to come to the Grange hall and pick up the food donation.

Oregon State Grange - [www.orgrange.org](http://www.orgrange.org)



## Morning Star #898 Linn County Organized: 1902

Location: 38794 Morning Star Road NE, Albany  
Meets: 1<sup>st</sup> Tues. at 7pm, potluck at 6pm  
Contact: Heather Decker, Master  
hd97322@gmail.com  
Robert P. Richardson, Jr.  
541-926-2266

Hall built in 1926.

Best known for: Haunted House, Jefferson Jammers, Baked Potato Meatloaf Dinner, and Bi-annual Millersburg Flea Market/Garage Sales.

They host Hand-In-Hand, Inc. – a non-profit located near Lebanon, Oregon that provides mule rides for kids at the Grange May Flea Market for a modest price. Also, a portion of the monies collected at their Haunted House is donated to local non-profits.  
Oregon State Grange Bulletin  
April-May 2023 Issue, pg 7



## **ORDINANCE NO. 204-23**

### **AN ORDINANCE AMENDING THE MILLERSBURG ZONING MAP TO APPLY A HISTORICAL OVERLAY**

**WHEREAS**, the City wishes to amend the Zoning Map to apply a Historical Property Overlay Zone (HPO) designation to 38794 NE Morningstar Road, which is the location of the Morningstar Grange; and,

**WHEREAS**, the existing underlying Zoning Designation of Public Facility (PF) on the listed property is not proposed to change and is consistent with the Public and Semi- Public Comprehensive Plan land use designation; and,

**WHEREAS**, the Department of Land Conservation and Development (DLCD) received hearing notice at least thirty-five days in advance of the first Historic Committee hearing on June 19, 2023; and,

**WHEREAS**, quasi-judicial public hearing notices were sent to all surrounding addresses in the City (200 feet), at least twenty days prior to the of the first Historic Committee hearing on August 2, 2023 and a notice was published in the Albany Democrat Herold on July 3, 2023; and,

**WHEREAS**, the Millersburg Historic Committee recommended to the Millersburg City Council on August 2, 2023, that the City Council approve the amendment that is the subject of this Ordinance; and,

**WHEREAS**, the proposal was reviewed by City staff for consistency with the Development Code and the Comprehensive Plan and found to be compliant; and,

**WHEREAS**, the Millersburg City Council held a fully noticed hearing on August 8, 2023; and,

**WHEREAS**, the Millersburg Historic Committee and City Council find that all criteria were considered and that the proposal satisfies criteria from Section 2.13.050(4) of the Millersburg Development Code, and all findings are included in the staff report dated July 5, 2023;

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS:** the Millersburg Zoning Map is hereby amended to apply a Historical Property Overlay Zone (HPO) designation to 38794 NE Morningstar Road:

This Ordinance becomes effective thirty (30) days from the date of passage.

**APPROVED by the Council this 8<sup>h</sup> day of August, 2023.**

---

Mark Raum,  
Council President, Mayor Pro Tem

ATTEST:

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Sheena Dickerman,  
City Recorder



TO: Millersburg City Council  
VIA: Kevin Kreitman, City Manager  
FROM: City Staff  
DATE: August 3, 2023, for Council Meeting August 8, 2023  
SUBJECT: Project Updates Memo

**Monthly Update on Projects:**

Staff are currently in the process of implementing many projects and activities in the City to address objectives of the Strategic Plan, direction from Council, and needs staff have identified.

An overview of several specific tasks and projects is provided below.

**City Hall Drop Box Area and Sidewalk**

On July 26<sup>th</sup>, a Postal Service maintenance employee installed a new mailbox at City Hall. We learned that the Postal Service is placing new high security mailboxes in-service; these new boxes are installed facing away from parking/drive areas, have security features to prevent “fishing for mail”, and do not accommodate parcels. The employee shared that this is a national program, and the local offices are not aware of the changes and the locations planned for the installation of the new boxes. He stated that parcels can be mailed at the Post Office or residents can request at home pick up free of charge.

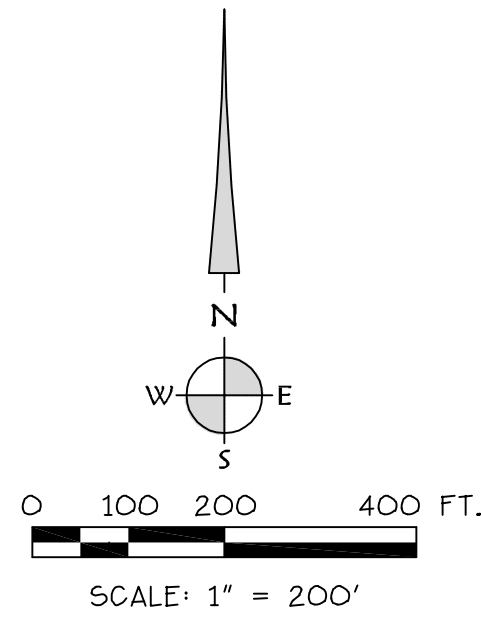
We have been working with the local post office site (Albany) on moving our current mailbox for better drive-up access and had discussed getting a parcel box as well. We now understand there will no longer be any drive-up or parcel boxes. Given this information we modified our design, which had been planned to allow users to pull up to the mailbox. We are thankful this change occurred prior to finalizing the award for the reconfigured area and ADA ramps. With this new information we have modified the design to accommodate the new mailbox.

**Old Salem Road Guardrail**

ODOT has notified the City that additional shoulder widening will be required with the installation of new guardrail extension. Although this work will result in an increased cost from the previous estimate of \$77,000 for the work, Millersburg's portion will remain \$100,000 as previously agreed and as currently budgeted.

**Industrial Park Subdivision**

In support of the Transition Parkway and Linear Park Project, as well as future development of the City's industrial property, a subdivision is currently being processed for the property south of Conser Road. The new parcels, boundaries, and road right of way are shown on the attached exhibit. Staff are working on the staff report and notices will be sent out to surrounding property owners shortly. This is a Type II application, which is processed by staff and does not go to planning commission.



**PROJECT AREA STATS:**

GROSS AREA: 156.04 ACRES  
 R-O-W DEDICATION: 15.34 ACRES  
 NET AREA: 140.70 ACRES

**MINIMUM LOT SIZES:**

GENERAL INDUSTRIAL ZONE:  
 MINIMUM LOT SIZE; NONE  
 SETBACKS; FRONT AND SIDE YARD = 0 FEET  
 SIDE YARD ADJACENT TO ZONE "R" = 5  
 FEET + 5 FEET PER STORY

**SUBJECT PROPERTIES:**

TAX LOTS: 100, 101, 102, 106, 110  
 ASSESSOR'S MAP: 105-3W-21D  
 TAX LOT: 205  
 ASSESSOR'S MAP: 105-3W-29

**LOTS:**

TOTAL: 7 LOTS

**ZONING:**

CURRENT ZONING: GENERAL INDUSTRIAL,  
 GENERAL COMMERCIAL AND PUBLIC FACILITIES

**CURRENT USE:**

VACANT LOT, FIELD + TREES

**TREE NOTE:**

PROJECT SITE CONTAINS SEVERAL  
 TREES AS SHOWN ON THE MAP

**NOTE:**

DATA IS COMPILED FROM THE LINN COUNTY AND  
 CITY OF ALBANY'S GIS DATABASE, CONSER ROAD  
 CONSTRUCTION DOCUMENTS AND FILED SURVEY DATA

**ENGINEER / SURVEYOR:**

K+D ENGINEERING, INC.  
 276 NW HICKORY STREET  
 ALBANY, OR 97321  
 (541) 928-2583

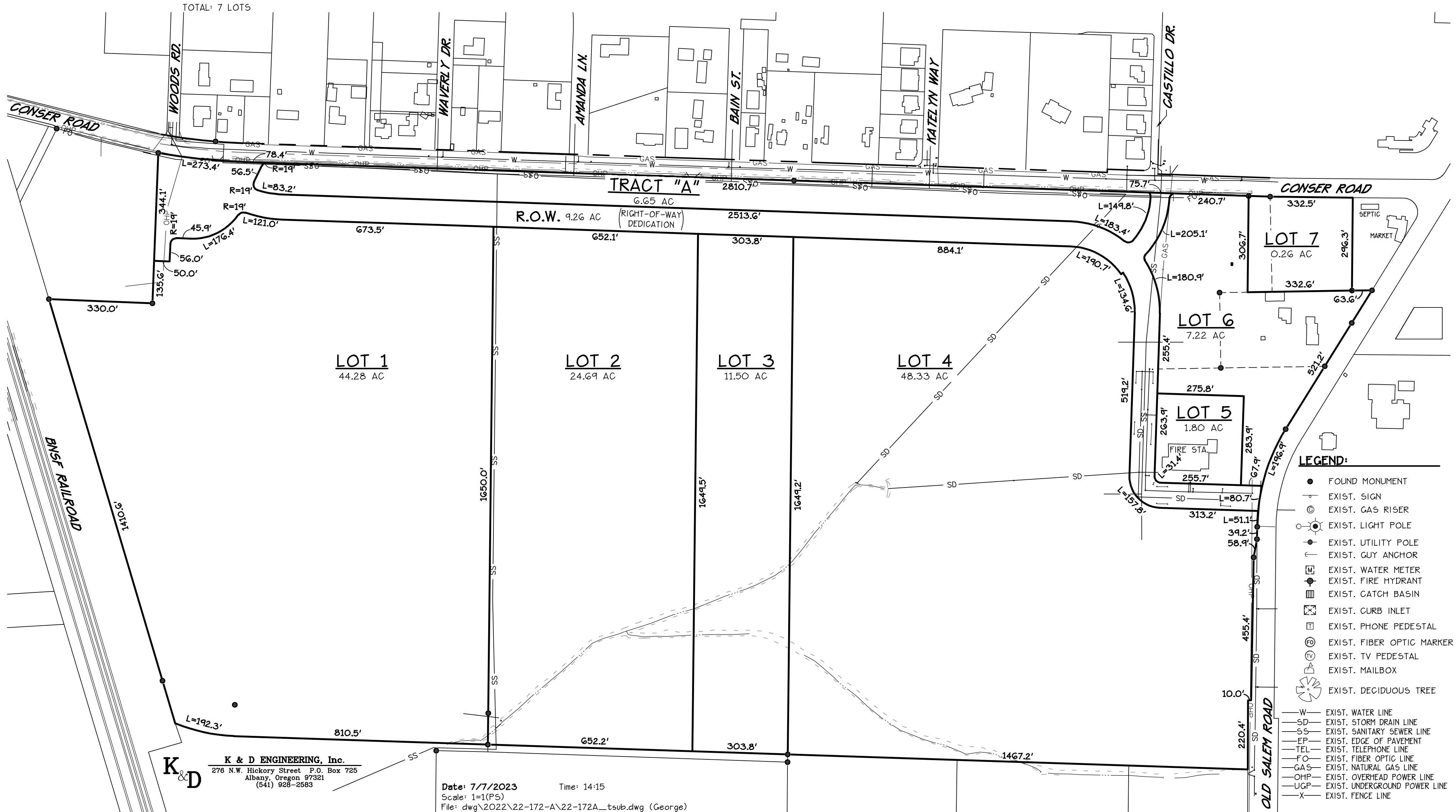
**OWNER / DEVELOPER:**

CITY OF MILLERSBURG  
 4222 OLD SALEM RD NE  
 MILLERSBURG, OR 97321

**TENTATIVE SUBDIVISION  
 FOR  
 CITY OF MILLERSBURG**

LOCATED IN  
**ISAAC MILLER D.L.C. No. 46 + JOHN LOUDERBACK  
 D.L.C. No. 47 IN THE SE 1/4 SEC. 20, SW 1/4  
 SEC. 21, NW 1/4 SEC. 28, NE 1/4 SEC. 29,  
 T. 10 S., R. 3 W., W.M.**

IN THE  
**CITY OF MILLERSBURG, LINN COUNTY, OREGON**  
 APRIL 25, 2023



**K & D ENGINEERING, Inc.**  
 276 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

Date: 7/7/2023 Time: 14:15  
 Scale: 1=1(P5)  
 File: dwg\2022\22-172-A\22-172A\_tsub.dwg (George)



# COMMISSION AND COMMITTEE APPLICATION

(Please print legibly or type)

CITY HALL  
4222 NE Old Salem Road  
Albany, OR 97321  
www.cityofmillersburg.org  
(458) 233-6300

### Commission and/or Committee Preference:

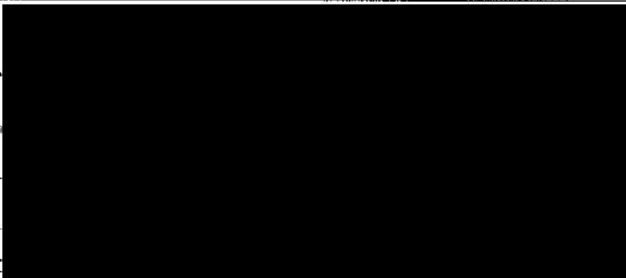
Events Committee  
*(list all for which you are applying)*

Name: Wendy Joy

Preferred First Name: Wendy

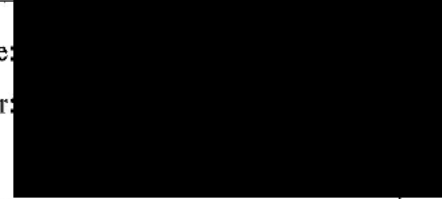
### Residential Information:

Home Address:



Phone:

Cellular:



E-mail:

Fax:

*(Optional)*

### Employment Information:

Employer's Name:

Payne West Insurance

Work Address:

575 SE 2nd St. #101  
Corvallis OR  
97333

Phone:

541-497-4301

Cellular:

541-602-9356

E-mail:

wjoy@paynewest.com

Fax:

*(Optional)*

Please provide information as requested below to describe your qualifications to serve on this City of Millersburg Commission or Committee. Feel free to provide additional information you wish to share with the City.

- List current or most recent occupation, business, trade, or profession:

Insurance Agent

- List community/civic activities. Indicate activities in which you are or have been active:

Neighborhood watch coordinator  
Volunteer with Albany non-profits  
Member of Albany Chamber of Commerce

- Indicate why you are interested in serving on this commission or committee and what other qualifications apply to this position.

I'd like to help create and manage events to get our neighbors involved and to bring them together

- What contributions do you hope to make?

Volunteer my time and energy to help put events on within our community

Please consult the *Guide for Public Officials* and the *Guide for Public Officials 2015 Supplement* that are posted on the state of Oregon's website at <https://www.oregon.gov/ogec/Pages/Guide-for-Public-Officials.aspx> (see

### Guide for Public Officials

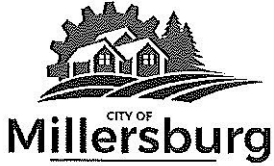


The guide has been revised to include informational links to statutes and rules to give you a more complete reference tool.

Click here to access the guide. Click here for Guide for Public Officials 2015 Supplement.

Signature of Applicant

2/13/23  
Date



# COMMISSION / COMMITTEE

## SUPPLEMENTAL FORM

Your Name Wendy Joy

Commission / Committee Name Events Committee

Sometimes, the City receives requests for contact information for members serving on City commissions and committees. Under Oregon law, as a public body volunteer serving the City, your addresses and telephone numbers are generally exempt from public disclosure.

To help City staff members, could you please check "yes," "no," or "not applicable" below as to whether or not you authorize this information being available to the public:

Home Address	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Home Telephone Number	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Home Fax Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Personal Cell Number	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Home E-mail Address	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work Address	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work Telephone Number	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work Fax Number Work	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Cell Number	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work E-mail Address	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable

Generally, only information for which you have checked "yes" will be released. If you have chosen "no" to all and a citizen wants to communicate with you, the City will suggest that s/he either:

- send a letter to you c/o the City Recorder, 4222 NE Old Salem Road, Albany, OR 97321; then the City will forward it to you; or
- leave a phone message or e-mail message with the City Recorder who will then give the message to you.

Signature Wendy Joy

Date 7/13/23



# COMMISSION AND COMMITTEE APPLICATION

(Please print legibly or type)

CITY HALL  
4222 NE Old Salem Road  
Albany, OR 97321  
www.cityofmillersburg.org  
(458) 233-6300

### Commission and/or Committee Preference:

Commission committee  
*(list all for which you are applying)*

Name: Charles Withrow Preferred First Name: Chuck

### Residential Information:

Home Address:

E-mail:

*(Optional)*

### Employment Information:

Employer's Name:

Work Address:

E-mail:

Phone:

Cellular:

Fax:

*(Optional)*

Please provide information as requested below to describe your qualifications to serve on this City of Millersburg Commission or Committee. Feel free to provide additional information you wish to share with the City.

- List current or most recent occupation, business, trade, or profession:

OREGON Dept. of CORRECTIONS  
CORRECTIONAL OFFICER / SUPERVISOR  
(30 yrs -)



- List community/civic activities. Indicate activities in which you are or have been active:


Albany Elks  
 Albany Eagles  
 post 10  
 Valley car clubs / car shows  
 past with AMA/NATC / pre PATA 20yrs

- Indicate why you are interested in serving on this commission or committee and what other qualifications apply to this position.

Keep watch on how the city is growing...  
 hope to point city in direction that will let all know what is going on...  
 hope to get more involved to help city...

- What contributions do you hope to make?

get more people that live in area to know what the city is doing...  
 let them see how city is run and keep watching from all that live in city.  
 let people outside the area in my travels what a great area Millersburg & Albany are —

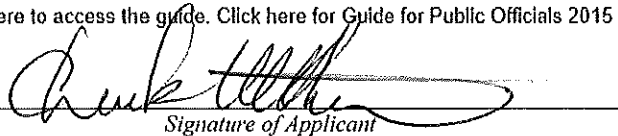
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**Guide for Public Officials**

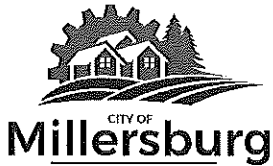


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 Signature of Applicant

6-9-2023  
 Date



# COMMISSION / COMMITTEE SUPPLEMENTAL FORM

Your Name Chuck Withrow

Commission / Committee Name \_\_\_\_\_

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To help City staff members, could you please check "yes," "no," or "not applicable" below as to whether or not you authorize this information being available to the public:

Home Address	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable
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Personal Cell Number	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Home E-mail Address	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Work Address	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Applicable
Work Telephone Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Applicable
Work Fax Number Work	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Applicable
Cell Number	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Applicable
Work E-mail Address	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Applicable

Generally, only information for which you have checked "yes" will be released. If you have chosen "no" to all and a citizen wants to communicate with you, the City will suggest that s/he either:

- send a letter to you c/o the City Recorder, 4222 NE Old Salem Road, Albany, OR 97321; then the City will forward it to you; or
- leave a phone message or e-mail message with the City Recorder who will then give the message to you.

Signature Chuck Withrow

Date 6-9-2023



TO: Millersburg City Council  
FROM: Kevin Kreitman  
DATE: July 27, 2023, for the August 8, 2023, City Council Meeting  
SUBJECT: Council Rules of Procedure Update

Action Requested:

Council adoption of proposed update to the Council Rules of Procedure based on Council direction to go back to one public comment period.

Discussion:

Attached is the proposed final draft changing the Council Rules of Procedure to reflect the action taken by Council for a single public comment period. Based on the discussion at the April 11<sup>th</sup> Council Meeting and as modified at the May 9<sup>th</sup> Council Meeting, the requested change has been incorporated.

The changes are noted and shown on the tracked changes version of the attached document.

Budget Impact:

No impact.

Recommendation:

Adoption of the updated Council Rules of Procedure.

Attachment(s):

- Draft Council Rules of Procedure *with tracked changes*
- Draft Rules of Procedure – *final draft*



# Rules of Procedure for Council Meetings

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## 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 City Council, shall be guided by *Robert's Rules of Order, 11<sup>th</sup> 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 (3) 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)

### 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 (2) years, and the Mayor will serve for a two (2) 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 (2) years, and shall serve for a two (2) 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.

**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 (1) week prior to the meeting.<sup>1</sup>

**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 by the Mayor:

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 hearings.

~~7.~~

~~8-9. Public comment on items on the agenda (other than public hearings).~~

9.1. Public hearings.

10. Council member and staff comments.
11. City Manager report.
12. City Attorney report.
13. Unfinished business.
14. New Business.
15. Items removed from the Consent Agenda.
16. ~~Public comment on items not on the agenda.~~
17. Closing Council comment.
18. Adjournment.

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<sup>1</sup> 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.

- 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 presiding chair 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. ~~This is time for citizens to raise issues they would like the council to consider. The public may submit written material before the meeting, if they wish the council to review it, or during the meeting for the record. Citizen speakers are subject to a three-minute time limit and are expected to be civil. The council may ask staff to investigate issues raised under business from the public but does not typically discuss them at the same meeting. Business from the public comes after public hearings when there are any hearings on the agenda, to ensure that all applicable testimony is heard within the public hearing. Two (2) periods for public comment will be reserved for every regular meeting of the Council. Each~~ The public comment period shall not exceed a maximum of thirty (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 and the second period of public comment shall be used to comment on any issue of City business. The presiding officer may, 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 will be recognized by the presiding chair. All speakers shall identify themselves by their names and by the street on which they reside and their city of residence.

2.3. Those wishing to provide public comment on an item subject to a vote of the Council will be recognized by the presiding chair shall as identified in Chapter 5 Motions, Debate, Public Comment, and Voting, Section III.

~~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, they will sign in for that hearing, and 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.~~

5.4. ~~Speakers are limited to three (3) minutes and will approach witness table upon being recognized by the presiding chair. For public hearings, generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. All speakers shall identify themselves by their names and by the street on which they reside and their city of residence.~~

6.5. 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.

7.6. Speakers may play electronic audio or visual material during the

time permitted for their comment. Speakers may utilize City-provided audio or visual equipment located in the council chambers as a part of their ~~comment, but~~ 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 presiding officer 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. 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.

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 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 2<sup>nd</sup> 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.
  - C. Regular 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.
- 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. (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.
  - D. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.



- IV. Executive Sessions.** Executive Sessions may be called by the presiding 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 media<sup>2</sup> 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.
- V. 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.
- VI. Holidays.** In the event a regular meeting falls on a holiday recognized by the City, the regular meeting for that week shall be rescheduled.
- VII. 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.

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<sup>2</sup> 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.

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

**IX. 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 (3) successive meetings without cause, then the Council may, by a majority vote, 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. (City Charter Section 18)

**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 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 Other Committee/Commission Members.**

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 City Recorder and the results provided to the Mayor. This process will continue until an individual is approved by a simple majority of the Council.

### CHAPTER 3 – Ordinances and Resolutions

- 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 (e.g. 01-20, 167-20).
  - B. Preparation and Introduction
    1. All ordinances shall, before presentation to the Council, have been approved by the City Attorney or the City Attorney's designee.
    2. 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
    1. An ordinance is introduced for consideration by the Council for presentation for reading. After introduction, the Council may direct that:
      - a. The full ordinance be read aloud;
      - b. A public hearing on the ordinance be held;
      - c. Refer the ordinance to committee for review and recommendation;
      - d. Refer the ordinance to the City Manager for further revision;
      - e. Pass the ordinance; or
      - f. Reject the ordinance in whole or in part.
    2. All proposed amendments to an ordinance shall be in writing and may be made by interlineation upon the ordinance.
    3. An affirmative vote by a majority vote of the Council (at least three (3) members) shall be necessary to pass an ordinance. (City Charter Section 31)
    4. Upon passage of an ordinance, the enrolled copy thereof, attested by the City Recorder, shall be submitted to the Mayor for signature. (MMC 2.30.030 (1))

5. The Mayor shall have three (3) days in which to sign an ordinance. Should the Mayor not sign an ordinance, the same shall be effective without the Mayor's signature.
6. The ordinance shall become effective thirty (30) days following passage by the Council (City Charter Section 31) unless:
  - a. The ordinance is 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. (City Charter Section 31)(MCC 2.30.030 (3))
7. An ordinance may provide a later time for taking effect. (City Charter Section 31)

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 (e.g. 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. 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;
    - b. Pass the resolution; or
    - c. Reject the resolution in whole or in part.
  3. All resolutions when introduced for reading shall be identified by title and number on a calendar of first reading.

## **CHAPTER 4 – Land Use Hearings**

### **I. General Conduct of Hearings.**

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

## CHAPTER 5 – Motions, Debate, Public Comment, and Voting<sup>3</sup>

- 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.

<sup>3</sup> 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 these Rules, these Rules prevail.

10. A motion that receives a tie vote fails.
  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, street on which they reside, and city of residence 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 Rules.
- 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.
    - 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

- 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.** 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.

## CHAPTER 8 – Ethics, Decorum, Outside Statements

- 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 the 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 (2) 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.

## 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 or 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).

## 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 require 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 thirty (30) days after the replacement rule was approved.





# Rules of Procedure for Council Meetings

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## 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 City Council, shall be guided by *Robert's Rules of Order, 11<sup>th</sup> 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 (3) 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)

### 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 (2) years, and the Mayor will serve for a two (2) 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 (2) years, and shall serve for a two (2) 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.

**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 (1) week prior to the meeting.<sup>1</sup>

**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 by the Mayor:

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 hearings.
9. Public comment
10. Council member and staff comments.
11. City Manager report.
12. City Attorney report.
13. Unfinished business.
14. New Business.
15. Items removed from the Consent Agenda.
16. Closing Council comment.
17. Adjournment.

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<sup>1</sup> 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.

- 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 presiding chair 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. This is time for citizens to raise issues they would like the council to consider. The public may submit written material before the meeting, if they wish the council to review it, or during the meeting for the record. Citizen speakers are subject to a three-minute time limit and are expected to be civil. The council may ask staff to investigate issues raised under business from the public but does not typically discuss them at the same meeting. Business from the public comes after public hearings when there are any hearings on the agenda, to ensure that all applicable testimony is heard within the public hearing. The public comment period shall not exceed a maximum of thirty (30) minutes, unless a majority of Councilors present vote to extend the time.
  - 2. Persons wishing to speak during public comment will be recognized

by the presiding chair. All speakers shall identify themselves by their names and by the street on which they reside and their city of residence.

3. Those wishing to provide public comment on an item subject to a vote of the Council will be recognized by the presiding chair shall as identified in Chapter 5 Motions, Debate, Public Comment, and Voting, Section III.
  4. 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.
  5. Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize City-provided 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 presiding officer 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. 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. 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 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 2<sup>nd</sup> 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.
  - C. Regular 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.
- 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. (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.
  - D. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

- IV. Executive Sessions.** Executive Sessions may be called by the presiding 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 media<sup>2</sup> 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.
- V. 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.
- VI. Holidays.** In the event a regular meeting falls on a holiday recognized by the City, the regular meeting for that week shall be rescheduled.
- VII. 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.

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<sup>2</sup> 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.

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

**IX. 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 (3) successive meetings without cause, then the Council may, by a majority vote, 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. (City Charter Section 18)

**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 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 Other Committee/Commission Members.**

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 City Recorder and the results provided to the Mayor. This process will continue until an individual is approved by a simple majority of the Council.

## CHAPTER 3 – Ordinances and Resolutions

- 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 (e.g. 01-20, 167-20).
- B. Preparation and Introduction
1. All ordinances shall, before presentation to the Council, have been approved by the City Attorney or the City Attorney's designee.
  2. 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
1. An ordinance is introduced for consideration by the Council for presentation for reading. After introduction, the Council may direct that:
    - a. The full ordinance be read aloud;
    - b. A public hearing on the ordinance be held;
    - c. Refer the ordinance to committee for review and recommendation;
    - d. Refer the ordinance to the City Manager for further revision;
    - e. Pass the ordinance; or
    - f. Reject the ordinance in whole or in part.
  2. All proposed amendments to an ordinance shall be in writing and may be made by interlineation upon the ordinance.
  3. An affirmative vote by a majority vote of the Council (at least three (3) members) shall be necessary to pass an ordinance. (City Charter Section 31)
  4. Upon passage of an ordinance, the enrolled copy thereof, attested by the City Recorder, shall be submitted to the Mayor for signature. (MMC 2.30.030 (1))

5. The Mayor shall have three (3) days in which to sign an ordinance. Should the Mayor not sign an ordinance, the same shall be effective without the Mayor's signature.
6. The ordinance shall become effective thirty (30) days following passage by the Council (City Charter Section 31) unless:
  - a. The ordinance is 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. (City Charter Section 31)(MCC 2.30.030 (3))
7. An ordinance may provide a later time for taking effect. (City Charter Section 31)

**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 (e.g. 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. 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;
    - b. Pass the resolution; or
    - c. Reject the resolution in whole or in part.
  3. All resolutions when introduced for reading shall be identified by title and number on a calendar of first reading.



## CHAPTER 4 – Land Use Hearings

### I. **General Conduct of Hearings.**

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

## CHAPTER 5 – Motions, Debate, Public Comment, and Voting<sup>3</sup>

- 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.

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<sup>3</sup> 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 these Rules, these Rules prevail.

10. A motion that receives a tie vote fails.
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, street on which they reside, and city of residence 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 Rules.
- 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.
    - 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

- 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.** 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.

## CHAPTER 8 – Ethics, Decorum, Outside Statements

- 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 the 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 (2) 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.

## 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 or 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).

## 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 require 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 thirty (30) days after the replacement rule was approved.