



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, 11th Edition*.
- B. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found within *Robert's Rules of Order* when such points will obscure the issues before the Council and confuse members of the public.
- C. Whenever these Rules and *Robert's Rules of Order* conflict, these Rules shall govern.

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

- A. The members of the Council are the City Councilors and Mayor. With the Council being five (5) members who appoint the Mayor from among their number, a quorum requires three (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.¹

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.

¹ 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 2nd Tuesday of the month in the evening, with the exception of designated holidays.
 - A. Meetings shall begin at 6:30 p.m.
 - B. Meetings shall adjourn at 10:00 p.m., allowing one-hour increment extensions upon a majority vote of the Council.
 - 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 media² 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.

² 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 Voting³

- 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.

³ 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.