

Chapter 2.04COUNCIL MEETINGSSections:

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2.4.010 Council meetings. A. Regular meetings of the council shall be held on the first and third Mondays of each month, except holidays. If the regular meeting of the council falls on a holiday, the meeting shall be held the next business day. Meetings shall commence at seven p.m. in the council chambers at city hall unless public notice is given of an alternate time or location. Adjournment of the meeting shall be nine p.m. unless a motion is adopted to continue.

B. Scheduled council meetings may be canceled or rescheduled by the mayor upon reasonable public notice thereof.

C. All meetings of the council, its commissions and committees shall be held and conducted in accordance with the Oregon Public Meetings Law.

D. Presiding Officer. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity. In the mayor's absence the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity. 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. When drafting a quorum requirement, ensure it complies with the city charter, which should indicate what constitutes a quorum and whether the mayor counts towards the quorum requirement.

4. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

5. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

E. Public Comment.

1. One period for public comment will be reserved for every regular meeting of the council. It shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time.

2. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing.

3. Speakers are limited to five minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. Speakers shall identify themselves by their names and by city or county of residence. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the 30 minute period.

4. If speakers wish to bring written materials, they should bring copies for each member of council and the city recorder.

F. Special Meetings. Special meetings may be called by the presiding officer or by request of three members of the council. The City Manager, Mayor or designee will coordinate the time and place of the meeting. 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. Notice of the special meeting shall be given to all members of the council and the city manager via telephone and email. Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.

G. Emergency meetings. Emergency meetings may be called by the presiding officer or by the request of three members of council. The City Manager, Mayor or designee will coordinate the time and place of the meeting. 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. Notice of the emergency meeting shall be given to all members of council and the city manager via telephone and email.

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. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

H. Executive Sessions. Executive sessions may be called by the presiding officer or by the request of three members of council. The City Manager, Mayor or designee will coordinate the time and place of the meeting. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Representatives of recognized news media 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.

I. Work Sessions. Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly. 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. Work sessions are to be scheduled by the city manager. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible. (Ord. 897, 2021; Ord. 701 (part), 2001)

2.04.020 Quorum. A. A majority of the seven members of the council shall constitute a quorum required to meet and conduct business of the council.

B. In order to cause a quorum to exist, the mayor or council, without a quorum, may direct the police chief or designee to find and request or cause the attendance of an absent councilor. (Ord. 701 (part), 2001)

2.04.030 Voting. A. Unless otherwise required by the Charter or this chapter, the affirmative vote of a majority of council present shall prevail in the adoption of any proposal before the council.

B. Conflicts of Interest. In the event of a potential conflict, councilors shall contact the Oregon Government Ethics Commission (OGE) and get a determination, if deemed a conflict, the councilor shall not vote. If it's deemed a potential conflict of interest, the councilor shall disclose that information.

C. Voting shall be by voice vote. A roll call vote shall be evoked upon request of a councilor.

D. Council shall vote on any issue of substance, that is not specifically excluded by ordinance or rule, which may concern the direction of the City Manager or City Attorney, encumbrance of funds, changes in policy, political positions on any matter, or any other matter that council may consider substantive.

E. 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. (Ord, 897, 2021; Ord. 701 (part), 2001)

2.04.040 Ethics, Decorum, Outside Statements. A. 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:

1. Disclosing confidential information.
2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
3. If taking a position that has not been adopted by the Council, they shall disclose that this is their personal opinion and not the position of Council.

B. Decorum.

1. The presiding officer shall preserve decorum during meetings.
2. 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.

C. Statements to the Media and Other Organizations.

1. Representing City. If a member of the council 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.
2. Personal Opinions. If a member of the council 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. (Ord. 897, 2021)

2.04.050 Councilor authority and delegation. A. Councilors shall have authority only to act as part of the council and shall not have individual authority to bind the city or direct the actions of city officers or employees.

B. Notwithstanding paragraph (A) above, the council may delegate specific duties or functions to a councilor(s) in which case such councilor(s) shall have such authority as has been expressly delegated by the council but shall not have the authority to bind Council as a whole. (Ord. 897, 2021; Ord. 701 (part), 2001)

2.04.060 Requests for staff assistance. A. All members of the council shall respect the separation between the council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of city business, which is the responsibility of the City Manager.

2. Refraining from actions that would undermine the authority of the City Manager or a department head.

3. Requests to staff for information, questions or research should be made during council meetings to the extent possible so that council may determine priority.

Questions from individual members of the council requiring significant time or resources (two hours or more) shall normally require approval of the council. Members of the council shall normally share any information obtained from staff with the entire council. (Ord. 897, 2021)

2.04.070 Compliance with council rules. A. Violations of this chapter or any other City ordinances, the City Charter, or State laws applicable to the governing body by any councilor shall be brought to the attention of the mayor. Upon such notification, the mayor shall attempt to resolve the matter and prevent future violation by contact with the offending councilor. In the event such resolution or prevention fails, the mayor shall place the matter on the council agenda for consideration and action by the full council.

B. A councilor found by the council to have violated this chapter may be publicly reprimanded by the council. (Ord. 897, 2021; Ord. 701 (part), 2001)

2.04.080 Appointments. A. Appointments to city commissions and committees shall be made by the mayor with consent of the council. The mayor may enlist the assistance of other councilors, commissioners or staff members in the appointment process.

B. All vacancies in elective or appointive positions to be filled by the mayor or council shall be announced publicly and nominees for such appointments shall be solicited by providing reasonable notice to the public of the vacancy and the process by which it will be filled. The city manager or designee shall maintain and disseminate forms by which interested persons may apply for appointment.

C. An appointee to a committee or commission may be removed by the city council, following the process outline in section 2.04.110 of this Title. (Ord. 905, 2022; Ord. 701 (part), 2001)

2.04.090 Ordinances and resolutions. A. Ordinances and resolutions adopted by the council shall be signed by the mayor and attested by the city manager or city recorder prior to the next regular council meeting. Ordinances shall reflect dates of introduction, readings and passage.

B. Councilors may request of the mayor that an ordinance or resolution be prepared and placed on the council agenda by the city manager. If such request is denied by the mayor, the councilor may prepare such ordinance or resolution for introduction as new business at a regularly scheduled city council meeting.

C. Each ordinance shall be read twice at two different meetings unless the council determines by unanimous vote of all councilors and the mayor present at the meeting, to enact the ordinance immediately based upon emergency conditions. In such situations, after the first reading the ordinance shall be read again and placed on final passage at the same meeting. An ordinance shall be read by title only unless a majority of the council present votes to have the first reading of the ordinance read in its entirety.

D. Copies of ordinances and resolutions included on a council agenda shall be made available to the public for inspection at city hall, and or online, upon agenda distribution.

E. All positions or endorsements on, or of local or statewide ballot measures shall be by resolution prepared by council. (Ord 876, 2018; Ord. 701 (part), 2001)

2.04.100 Council agenda. A. An agenda for each council meeting shall be prepared by the city manager and approved by the mayor. Councilors may request of the mayor that specific items be placed on an agenda or may raise matters for council consideration as new business. Matters introduced as new business, which are not itemized as agenda items shall, unless emergency conditions exist, and upon majority vote of the council, be deferred to the next regular or special meeting as an agenda item or addressed at time of introduction under the "emergency" conditions previously noted.

B. The council agenda shall include the flag salute, roll call, communications from the public on non agenda items, new business, old business, staff reports and other agenda categories as directed by the mayor or council. If prepared, meeting minutes from prior meetings will be approved.

C. Each agenda shall include the time, date and place of the meeting and a brief description of the ordinances, resolutions or other matters to be considered. (Ord. 897, 2021; Ord. 701 (part), 2001)

2.04.110 Committees. A. The mayor or council may establish by resolution ad hoc or standing committees to perform specified research, or investigatory and advisory functions.

B. Appointments to such committees shall be as provided in Section 2.04.080 of this chapter.

C. Complaint Procedure and Removal of Members.

1) When written complaints from standing or ad hoc Committees are received by Council or city staff, the following procedure shall be observed:

a. Upon receipt of a complaint, meetings of the committee from which the complaint was received shall be suspended until resolution of the complaint; this does not apply to Planning Commission or to matters of removal of members for attendance issues. A notice to the complainant and the respondent that a complaint has been filed shall be issued via email and certified mail.

b. All complaints shall be reviewed and responded to by the Mayor, or their City Council designee, within 30 calendar days of receipt. Response shall be in writing via email and certified mail to the complainant and the respondent. Responses shall detail the facts as they are known, and the next steps, discipline, or recommendation for Mediation or Hearing by the reviewer. This complaint process may not apply to all complaints; recommendations for removal due to attendance issues may be heard immediately by City Council at either a Regular Council Meeting or a Special Council Meeting.

c. One course of action shall be a mediation between the parties named in the complaint. The mediator shall be the Mayor, or their City Council designee. Mediation shall be attended by the Committee Recording Secretary, and mediation may be held virtually or in-person. Mediation shall be scheduled no later than 30 calendar days after receipt of a complaint and must occur no later than 45 calendar days after the receipt of a complaint. Notice of Mediation shall be sent via the process in clause b. above. Mediation does not preclude a Hearing.

d. A second course of action shall be a Hearing in front of City Council. Hearings shall be held in a public forum. Hearings shall be noticed as in clause b. above. Hearings shall be held like a Hearing in Rem:

I. A Special Meeting of City Council shall be called for the sole purpose of the Hearing.

II. During the hearing a statement of the facts as Council knows them based on the complaint, and any responses, shall be made.

III. Each party shall have 15 minutes total to make a statement to Council, and each party shall have the opportunity to reserve up to 5 minutes of their time for response to the other parties' statements.

IV. After each party has made their statements and rebuttals, if applicable, Council shall deliberate and decide on any disciplinary action and make a motion to such effect. Disciplinary action can include removal of a member.

e. Upon recurrence of a complaint of the same or similar nature, and after the initial complaint process has been completed, Council shall consider a recommendation for removal via a Hearing for Removal as described in section 2) below.

2) The process for a Hearing for Removal shall be the same as the Hearing in Rem described in Section 1)d.I. through 1)d.IV. above; parties shall be noticed as in clause 1)b. above.

a. No member of a committee shall be removed without the opportunity to be heard during a Hearing or Council Meeting. Motions to remove a member require a motion and vote via Council's standard operating procedures, and, if successful, shall take effect immediately.

b. Committee Members with attendance issues as described in Committee Bylaws shall be considered for removal via the process in Section 1) above. This consideration may occur at a special meeting as described in this section or at a Regular Council Meeting, but must take place within 45 calendar days of a recommendation for removal being presented to Council. (Ord 905, 2022; Ord. 701 (part), 2001)

2.04.120 Vacancies in elective office. A. Vacancies in the position of mayor or councilor shall be declared by the council in accordance with the Charter and only for reasons specified in the Charter. The council shall be the sole judge of the qualifications of its members.

B. Declaration of a vacancy shall occur at the council meeting following any of the occurrences for which a vacancy may be declared.

C. Prior to determining a vacancy, the council may conduct a hearing to receive evidence of the existence of a reason to declare such vacancy. The incumbent shall be entitled to appear and rebut such evidence.

D. Any vacancy shall be declared by resolution of the council, which shall include findings of fact, and conclusions of law in support thereof.

E. Appointments to fill a vacancy in the position of mayor or a council position shall be made by the council in accordance with Section 2.04.080(B). (Ord. 701 (part), 2001)

2.04.130 Council officers. A. At its first regular meeting of each odd-numbered year, the council shall by majority vote select a council president who shall preside over council meetings and exercise other mayoral responsibilities in absence or incapacity of the mayor. In the absence or incapacity of both the mayor and council president, the council may select an acting council president who shall have the above duties during such absence or incapacity.

B. A council president or acting council president may be removed by a vote of two-thirds of the entire council. (Ord. 701 (part), 2001)

2.04.140 Minutes. A. The City meets its statutory obligation by recording Council meetings and making the video available to the public. Written minutes shall be prepared as soon as reasonably possible and include the following:

1. All members of the council present;
2. All motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;
3. The results of all votes, and the vote of each councilor; and
4. The substance of any discussion on any matter.

B. Minutes of executive sessions shall be limited consistent with ORS 192.660.

C. The written minutes and video shall be available to the public for inspection at city hall upon agenda distribution and shall be maintained as a permanent record of the actions of the council by the city recorder. (Ord. 897, 2021; Ord. 701 (part), 2001)

2.04.150 Reconsideration. A. When a matter has been adopted or defeated, any councilor voting on the prevailing side may move for reconsideration of the matter.

B. Notice of the intention to move for reconsideration of an ordinance or resolution must be given orally by the councilor who intends to make the motion prior to adjournment on the same day on which the vote was taken. Notice of the intention to move for reconsideration of other matters should be made to the presiding officer prior to or at the next meeting.

C. Motions to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion. (Ord. 701 (part), 2001)

2.04.160 Proclamations. A. All proclamations approved by the mayor may be read by title only before the council at a regularly scheduled council meeting.

B. Any proclamation read before the council by the mayor shall not require a vote of the council.

C. No proclamation may encumber the city financially or conflict with any existing ordinance, resolution, state law, federal law, regulation or administrative rule. (Ord. 897, 2021; Ord. 701 (part), 2001)

2.04.170 Miscellaneous. A. Any procedural matter not covered by the Charter or by a rule adopted by the council shall be resolved by a majority vote of Council. The council may by a positive vote of five members authorize the suspension of any rule adopted by the council. (Ord. 897, 2021; Ord. 701 (part), 2001)

2.04.180 Amendment & Repeal. A. Amendment. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.

1. 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.

2. All amendments to these rules requires a majority vote.

3. Amended rules shall not go into effect until the meeting after the rule was approved.

B. Repeal. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.

1. Any proposed repeal of these rules shall be accompanied by a proposed replacement.

2. 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.

3. Any repeal and replacement of these rules requires a majority vote.

4. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved. (Ord. 897, 2021)