

**ORDINANCE NO. 897**

**AN ORDINANCE OF THE CITY OF SCAPPOOSE AMENDING SCAPPOOSE MUNICIPAL CODE 2.04 REGULATING COUNCIL RULES**

**WHEREAS**, Council rules and procedures should undergo periodic review and updates;  
and

**WHEREAS**, City Council wishes to update the Scappoose Municipal Code Ch. 2.04, Council Rules, to incorporate additional details and removed outdated language.

**NOW, THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:**


**Section 1.** Chapter 2.04 of the Scappoose Municipal Code shall be amended as shown on the attached Exhibit A (additional language underlined and deleted language ~~stricken~~).

**Section 2.** Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

**CITY OF SCAPPOOSE, OREGON**

  
\_\_\_\_\_  
Scott Burge, Mayor

First reading: November 1, 2021  
Second reading: November 15, 2021

Attest:   
\_\_\_\_\_  
Susan M. Reeves, MMC  
City Recorder

**Exhibit A**  
**Recommended Changes to Municipal Code Chapter 2.04**

**Chapter 2.04 Council Rules**

2.04.010 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. The council may hold special or emergency meetings after providing public notice as required by state law. Special or emergency meetings may be called by the mayor, and shall be called by the mayor upon request of at least three councilors. Special and emergency meeting agendas shall be limited to the purposes for which the meeting is called.~~

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

~~2.04.030 Voting. B. Councilors may abstain from voting in the event of potential conflict of interest or, in the case of a quasi-judicial proceeding, bias or impartiality. The reason for an abstention shall be declared prior to the vote. Councilors are otherwise encouraged to vote on all requests before the Council.~~

2.04.030 B. Conflicts of Interest. In the event of a potential conflict, councilors shall contact the Oregon Government Ethics Commission (OGEC) 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.

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 or staff,

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.

~~2.04.040 Conflicts of interest. A. For purposes of these rules, "potential conflict of interest" has the following meaning: "Any action, decision or recommendation by the councilor acting in a capacity as public official, the effect of which could be to the private pecuniary benefit or detriment of the person or person's relative, or a business with which the person or the person's relatives is associated". In addition, "No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available.~~

~~B. In the event a councilor shall have a potential conflict of interest with respect to any matter before the council, or may be unable to participate impartially and without bias in a quasi-judicial matter, the councilor shall announce such potential conflict, impartiality or bias on the record prior to any consideration, deliberation or decision of the council on the matter, and may be excused from the council until consideration of the matter~~

~~is complete. In any vote on such matter, an excused councilor shall not be considered present for purposes of a quorum.~~

~~C. In the event of an actual conflict of interest, the councilor shall not vote or participate in consideration of the~~

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.

2.04.050 Councilor authority and delegation. 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.

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. Councilors shall refrain from directing the activities or workloads of city staff members. Individual requests from a councilor for staff assistance shall be presented to the mayor or city manager orally or in writing for approval.

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. ~~or may be disciplined as provided in Robert's Rules of Order, newly revised.~~

2.04.090 Ordinances and resolutions. 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.

2.04.100 Council agenda. A. An agenda for each council meeting shall be prepared by the ~~mayor and~~ 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, approval of prior minutes, 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. The order of consideration of agenda items shall be as determined by the mayor.~~

~~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. on behalf of the council.~~

~~B. Appointments to such committees shall be as provided in Section 2.04.080 of this chapter. Any authority granted to such committees shall be clearly delineated within the text of the resolution creating the committee as approved by council.~~

~~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: Minutes of each meeting shall be prepared by the city recorder, and shall include at least the following information:~~

- ~~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.~~

~~2.04.160 Personnel. A. The city manager has the full authority to act on personnel matters in accordance with the City Charter and existing policies and procedures. However, except as provided otherwise by written employment agreement, any termination by the city manager of a city officer/department head, as defined by the~~

~~City Charter, shall be subject to the following procedure:~~

- ~~1. In the event a officer/department head is discharged, asked to resign, or suspended without pay, the officer/department head may request review of the city manager's decision. Such request shall be made in writing, and shall state the facts, the basis of the request for review, city rules or policies violated by the action, and relief requested. The request shall be delivered to the mayor, with a copy to the city manager, within five days of the action to be reviewed.~~
- ~~2. Upon request of the officer/department head or the city manager, the mayor shall appoint by random a personnel review committee (PRC) consisting of three councilors~~

~~and the city attorney, which shall meet within ten days of filing of the request. Such meeting may be an executive session subject to the provisions of~~

~~As part of such meeting, the PRC may conduct a hearing and take testimony necessary to conclude its review.~~

~~3. The PRC shall, within five days of the meeting, determine whether the city manager action was, in the judgment of the PRC, in compliance with existing policies and law, and make a written recommendation to the city manager. At the same time a copy of the PRC recommendation shall be forwarded to the members of the council who shall maintain the confidentiality of the recommendation. The decision of the city manager, after review of the PRC recommendation, shall be final.~~

2.04.160 170 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.

2.04.170 180 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 determined by Robert's Rules of Order, newly revised. The council may by a positive vote of five members ~~(including the mayor)~~ authorize the suspension of any rule adopted by the council.

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.

~~2.04.190 Emergency. The newly drafted ordinance codified in this chapter represents a culminated effort of citizen input, council deliberations and staff research which is imperative to the orderly decision-making and leadership of the city council. Therefore, the ordinance codified in this chapter shall be enacted by the "emergency" provisions stipulated in the previously adopted council rules and shall become effective upon approval of the City Council on February 5, 2001.~~