

ORDINANCE NO. 905

AN ORDINANCE AMENDING SCAPPOOSE MUNICIPAL CODE TITLE 2.04, MODIFYING SECTION 2.04.080, APPOINTMENTS, AND 2.04.110 COMMITTEES

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, to incorporate a process for handling complaints regarding Committee Members and make other changes to Chapter 2.04;

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 in red 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: October 17, 2022
Second reading: November 7, 2022

Attest 

Susan M. Reeves, MMC
City Recorder

EXHIBIT A

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 outlined in section 2.04.110 of this Title. ~~after a hearing, for misconduct or nonperformance of duty. The appointee who is the subject of the hearing shall be notified in writing by registered mail to last known address at least ten days prior to the initial hearing date. A member who is absent from three consecutive meetings without notifying the committee chair or the city manager is presumed to be in nonperformance of duty and the city council shall declare the position vacant unless it finds otherwise following the hearing.~~

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.

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.

EXHIBIT A

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.