

ORDINANCE NO. 701

AN ORDINANCE ESTABLISHING RULES FOR PROCEEDINGS OF THE COUNCIL AS PER THE CITY CHARTER; REPEALING CHAPTER 2.04, CITY COUNCIL, AND ORDINANCE NO. 689; AND DECLARING AN EMERGENCY.

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 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 7:00 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 o'clock (9:00 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 (3) Councilors. Special and emergency meeting agendas shall be limited to the purposes for which the meeting is called.
- (c) Scheduled Council meetings may be canceled or rescheduled by the Mayor upon reasonable public notice thereof.
- (d) All meetings of the Council, its commissions and committees shall be held and conducted in accordance with the Oregon Public Meetings law.

Section 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.

Section 2.04.030 Voting

- (a) Unless otherwise required by the Charter or these rules, the affirmative vote of a majority of Council present shall prevail in the adoption of any proposal before the Council.
- (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 questions before the Council.
- (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 staff, encumbrance of funds, changes in policy, political positions on any matter, or any other matter that Council may consider substantive.

Section 2.04.040 Conflicts of Interest

- (a) For purposes of these rules, "potential conflict of interest" shall have the following meaning: "Any action, decision or recommendation by the Councilor acting in a capacity as a 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. (See ORS 244.020 & 244.040)
- (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 issue.

Section 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.

Section 2.04.060 Requests for Staff Assistance

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.

Section 2.04.070 Compliance with Council Rules

- (a) Violations of these rules 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 these rules may be publicly reprimanded by the Council, or may be disciplined as provided in *Robert's Rules of Order, newly revised*.

Section 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 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, 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.

Section 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 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 a 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 upon agenda distribution.
- (e) All positions or endorsements on, or of local or statewide ballot measures shall be by resolution.

Section 2.04.100 Council Agenda

- (a) An agenda for each Council meeting shall be prepared by the Mayor and City Manager. 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. The order of consideration of agenda items shall be as determined by the Mayor.
- (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.

Section 2.04.110 Committees

- (a) The Mayor or Council may establish by resolution ad hoc or any 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 8 of this ordinance. Any authority granted to such committees shall be clearly delineated within the text of the resolution creating the committee as approved by Council.

Section 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 8(b).

Section 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 (2/3rds) of the entire Council.

Section 2.04.140 Minutes

- (a) 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 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.

Section 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.

Section 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, any termination by the City Manager of a City Officer/Department Head may 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 appeal, and City Rules or Policies violated by the action, and relief desired. The request shall be delivered to the Mayor, with a copy to the City Manager.
 - 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 10 days of request.
 - 3. The PRC shall determine (within 15 days of meeting) whether the City Manager action was taken for sufficient cause in the judgment of the PRC and is not arbitrary and capricious and in compliance with existing policies and law. After review and consideration, the PRC will make a recommendation to the City Manager. The decision of the City Manager, after review of the PRC recommendation shall be final.

Section 2.04.170 Proclamations

- (a) All proclamations approved by the Mayor shall be read 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, regulation or administrative rule.

Section 2.04.180 Miscellaneous

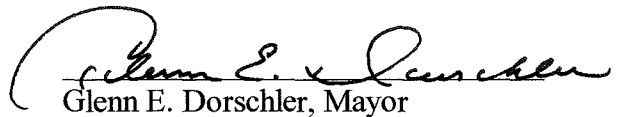
Any procedural matter not covered by the Charter or by a rule adopted by the Council shall be determined by *Robert's Rules of Order, newly revised*. The Council may by a positive vote of five (5) members (including Mayor) authorize the suspension of any rule adopted by the Council.

Section 2.04.190 Emergency

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

PASSED AND ADPOTED by the Scappoose City Council and signed by the Mayor and the City Recorder in authentication of its passage on this 5th day of February 2001.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: February 5, 2001

Second Reading: February 5, 2001

Attest: 
Debi G. Schmit, City Recorder