

**RESOLUTION NO. 23/24-11
CITY OF DAYTON, OREGON**

A Resolution Adopting Amendment #8 to Resolution #04/05-31, a Resolution Adopting City Council Rules

WHEREAS, on May 2, 2005, the Dayton City Council adopted Resolution #04/05-31, "A Resolution Adopting City Council Rules" (hereinafter called "Rules") and subsequently amended same by Resolution #05/06-14, adopted March 6, 2006; by Resolution #06/07-28 adopted March 5, 2007; and by Resolution #07/08-26 adopted March 3, 2008; by Resolution 10/11-13 adopted November 1, 2010; and by Resolution 11/12-16 adopted February 13, 2012; by Resolution 18/19-13 adopted March 4, 2019; by Resolution 20/21-09 adopted March 1, 2021; and

WHEREAS, pursuant to Section 1.1 of the Rules, the Council has conducted its review and desires to amend various language.

The City of Dayton resolves as follows:

- 1) **THAT** the City Council hereby adopts the language modifications to the Rules outlined in Exhibit A, attached hereto and made a part hereof; and
- 2) **THAT** this resolution shall become effective immediately upon adoption.

ADOPTED this 4th day of March 2024.

In Favor: Frank, Hildebrandt, Mackin, Maguire, Marquez, Wildhaber

Opposed:

Absent: Sandoval-Perez

Abstained:



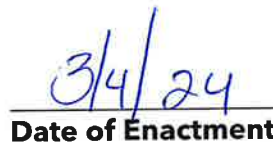
Trini Marquez, Mayor



Date of Signing

ATTESTED BY:


Rocio A. Vargas, City Recorder


Date of Enactment

Attachment - Exhibit A

CITY OF DAYTON, OREGON
City Council Rules

SECTION 1 AUTHORITY

- 1.1 City Charter Section 10 provides that the Council must, by resolution, adopt rules to govern its meetings. The Council will review its rules at its first meeting in January of even numbered years. Amendments to the rules will be made by majority vote. The Council will have clear and simple procedures for considering agenda matters. Council rules are not intended to replace or supersede applicable federal or state laws, the City Charter or City ordinances.

SECTION 2 DEFINITIONS As used in these Rules, the following mean:

- **City Committees:** All City committees, commissions, task forces, and advisory bodies.
- **Council and Council members:** The Mayor, the Council President, and the Councilors.
- **Councilors:** The Council President and the Councilors.

SECTION 3 MEETINGS

3.1 Public Meetings

- A. A quorum is required to conduct official City business. Four Council members shall constitute a quorum. Vacancies in office do not count towards determining a quorum. If a quorum is not present, Council members present shall adjourn the meeting.
- B. A public meeting occurs when a quorum of Council members convenes to make a decision or to deliberate towards a decision on any matter. A quorum of Council members may not convene in private for the purpose of deciding on or deliberating towards a final decision on any matter, except as otherwise specified in the City Council Rules or state law.
- C. For the purpose of this Section, “convene” means to: (1) gather in a physical location; (2) use electronic, video, or telephonic technology to communicate contemporaneously among participants; (3) use serial electronic written communication among participants; or (4) use an intermediary to communicate among participants, except as otherwise provided in ORS 192.690(m).

3.2 Council Meetings

- A. Regular Session Council meetings will be hybrid meetings and will generally be held in the City Hall Annex and/or virtually online on the first Monday of each month for the purpose of conducting business or developing policy, per ORS 192.670.
- B. Council Regular Session meetings will normally begin at 6:30 p.m. and adjourn no later than 10 p.m. Work Session or Special Session meetings will normally begin at 6:30 p.m. and adjourn no later than 10 p.m. For any meeting to continue past the normal adjournment time, a majority of the Council members present at the meeting must agree.
- C. If possible, only one or two major topics (defined as issues of special interest, controversial, or difficult) will be scheduled per meeting.

3.3 Work Sessions

- A. Work Session meetings will be hybrid meetings and will normally be held in the City Hall Annex and/or virtually online on the 3rd Monday of each month, per ORS 192.670.
- B. Work Session meetings will be to develop policy, review programs, and receive progress reports, where no action is expected.
- C. Each agenda shall contain a segment that is reserved for the Mayor and Councilors to comment on ideas, exchange information, and make announcements.

3.4 Special or Emergency Meetings

A. Special Session Meetings

Special Session meetings may be held on any evening and will be hybrid meetings generally held in the City Hall Annex and/or virtually online per ORS 192.670. Special Session meetings may be called by the Mayor or upon the request of three City Councilors. Action can be taken where at least 72-hour notice is possible, but not less than a 24-hour notice. Required notifications will be given in accordance with the Attorney General's Public Records and Meetings Manual.

B. Emergency Meetings

An Emergency meeting is a Special meeting called on less than 24 hours' notice and will be hybrid meetings, generally held in the City Hall Annex and/or virtually online per ORS 192.670. An actual emergency must exist, and the minutes of the meeting must describe the emergency justifying less than 24 hours' notice. City staff will attempt to contact the media and other interested persons to inform them of the meeting. Emergency meetings may be held on any evening and may be called by the Mayor, or in his/her absence, the Council President. Action can be taken.

3.5 Executive Session

- A. An Executive Session meeting (meeting closed to the general public) must be held in accordance with the terms of Oregon's Public Meetings Law (ORS 192.610 to ORS 192.690) and will be hybrid meetings, to be held generally in the City Hall Annex and/or virtually online. Executive Session meetings may be held during Regular Session or Special Session meetings provided relevant statutory limitations are met.
- B. Only the Council, City Attorney, specific staff members, media representatives, and those invited by the Mayor or a majority of the Council can attend.
- C. No formal decisions can be taken during an Executive Session. When the Council reconvenes in open session, formal action may be taken.
- D. The Council needs to specify that Executive Session meeting information may not be reported. In accordance with Oregon Public Meetings Law, only the subject of the Executive Session may be disclosed.
- E. Media representatives are allowed to attend Council Executive Sessions subject to the understanding that information from such meetings that consider proper Executive Session subjects will not be reported.

- 3.6 Minutes.** Only the Mayor and Councilors have the authority to make revisions to the minutes subject to a

majority vote of the Council. If a citizen wishes to suggest an amendment, the request must be made through the Mayor or a Councilor.

3.7 Telephonic/Electronic Meetings

A. Council members may participate in Council meetings by telephone. The provisions of the Oregon state statutes governing public meetings apply. All Council members, whether attending the meeting in person or by telephonic means have the same voting rights.

3.8 Attendance. Councilors will inform the Mayor if they are unable to attend any Council meeting. Lack of notification will constitute an unexcused absence. The Mayor will inform the Council President and City Manager of any absence of the Mayor.

SECTION 4 AGENDA

4.1 A. The Mayor or in his/her absence, the Council President, will work with the City Manager to schedule agenda items.

B. Items may be placed on the Council agenda by any of the following methods: (1) the Mayor; (2) any Councilor by advising the Mayor, or City Manager; (3) vote of the Council, or (4) the City Manager or City Attorney.

4.2 Headings

The agenda headings will generally be as follows:

- CALL TO ORDER & PLEDGE OF ALLEGIANCE
- ROLL CALL
- APPEARANCE OF INTERESTED CITIZENS (on any topic except a public hearing held that night)
- CONSENT AGENDA (any item may be removed from the Consent Agenda for discussion at the request of a Councilor)
- PUBLIC HEARING (when scheduled)
- ACTION ITEMS
- CITY COUNCIL COMMENTS/CONCERNS
- INFORMATION REPORTS
- CITY MANAGER REPORT
- CITY ATTORNEY REPORT
- ADJOURN

4.3 Preparation

A. The City Manager will prepare an agenda for each Council meeting specifying the time and place of the meeting, and a brief general description of each item to be considered by the Council.

B. Agenda materials will generally be available to the Council, media, and public a minimum of three calendar days before all meetings with the exception of Emergency Sessions.

4.4 Scheduling

A. The agenda may be amended to add additional items after the agenda is printed and the notice published if the Mayor, Councilor, or City Manager explains the necessity and receives Council consent.

The City Manager will notify the media and any known interested citizens as soon as possible after receiving information about proposed agenda additions.

- B. Agenda items that are continued from one meeting to another will have preference on the subsequent agenda.
- C. With the consent of the Council, the Mayor may consider agenda items out of order.

SECTION 5 PUBLIC HEARINGS

5.1 Generally

- A. 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.
- B. 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.
- C. 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.
- D. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address. All remarks shall be addressed to the Council as a body and not to any member thereof.
- E. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three 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 total).
 - 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 total).
- F. 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 or mayor, as applicable, may intervene if a councilor is violating the spirit of this guideline.
- G. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by City Councilors should be to provide clarification or additional information on testimony provided.

- H. The presiding officer or Mayor, as applicable, may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer or Mayor, as applicable, 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, or Mayor, as applicable, 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 or Mayor 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 or Mayor, 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.

At the end of public testimony and questions of staff, Council members may start deliberations. During deliberations, each member of the Council shall have the opportunity to comment on or discuss testimony given during the public hearing. The Presiding Officer shall close the public hearing by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony.

- I. 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 presiding officer 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.
- J. 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 nondisclosure to the city recorder pursuant to ORS 192.368(1).

5.2 Land Use Hearings. All land use hearings conducted by City Council pursuant to Article 7 of the Dayton Municipal Code shall follow the following rules of procedure:

A. General Conduct

- a. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- b. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the presiding officer at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the presiding officer, it shall not be included in the record for the proceeding.
- c. No person may speak more than once without obtaining permission from the presiding officer.
- d. Upon being recognized by the presiding officer, any member of the council, the city manager, planning director or the city attorney may question any person who testifies.
- e. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the Council.

f. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

B. Quasi-Judicial Land Use Matters.

a. Scope of Review. All appeals from the Planning Commission to City Council and Council-initiated reviews in quasi-judicial land use proceedings shall be held on the record in accordance with Dayton Municipal Code 7.3.206.03. Initial hearings held by City Council shall be de novo.

b. Hearing Procedures. The order of hearings in quasi-judicial land use matters before City Council shall be:

- i. Land Use Hearing Disclosure Statement. The presiding officer or designated staff shall read the land use hearing disclosure statement, which shall include:
 1. A list of the applicable criteria;
 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- ii. Call for ex parte contacts. The presiding officer shall inquire whether any member of the Council has had ex parte contacts. Any member of the Council announcing an ex parte contact shall state for the record the nature and content of the contact.
- iii. Call for abstentions. The presiding officer shall inquire whether any member of the Council must abstain from participating in the hearing due to an actual conflict of interest, or must announce an apparent conflict of interest. Any member of the Council announcing a conflict of interest shall state the nature of the conflict, and if the conflict is an actual conflict of interest, shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
- iv. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
- v. Presentation of the Case.
 1. Proponent's case. Twenty minutes total.
 2. Persons in favor. Five minutes per person.
 3. Persons opposed. Five minutes per person.
 4. Other interested persons. Five minutes per person.
 5. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- vi. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
- vii. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- viii. Findings and Order. In the case of appeals from the Planning Commission to City Council and Council-initiated reviews in quasi-judicial land use proceedings, the Council may affirm, affirm with conditions, or reverse the decision. In the case of an initial hearing held by the City Council, the Council may approve, approve with conditions, or deny the application.

1. The Council shall adopt findings to support its decision.
 2. The Council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- c. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. A continuance of the hearing granted pursuant to this section is subject to the limitations of ORS 227.178 – 120-day rule, unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application.
- C. Legislative Land Use Matters.
- a. Hearings Procedures. Subject to any express Dayton Municipal Code requirements to the contrary, the order of procedures for hearings on legislative land use matters shall be:
 - i. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings.
 - ii. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
 - iii. Presentation of the Case.
 1. Proponent’s case. Twenty minutes total.
 2. Persons in favor. Five minutes per person.
 3. Persons opposed. Five minutes per person.
 4. Other interested persons. Five minutes per person.
 5. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
 - iv. **Deliberations.** Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
 - v. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

SECTION 6 COUNCIL DISCUSSIONS AND DECORUM

- 6.1** Council should conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.
- 6.2** Councilors will assist the Presiding Officer to preserve order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues then under discussion and not:
- engage in personal attacks; or
 - impugn the motives of any speaker.
- 6.3** The following ground rules should be followed in order to maintain order and decorum during Council members discussions, Council members will:
- A. Gather necessary information and have questions answered from staff before a meeting.
 - B. Speak for themselves and not for other Council members.

- C. Not state they represent the Council, unless they have been asked by Council to do so.
- D. During public meetings, Council members should not attempt to substantially rewrite prepared ordinances. Editing an ordinance may be appropriate but comprehensive changes should follow staff research.
- E. Be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on a single issue or topic at any one time.
- F. Focus on City issues and priorities and avoid becoming involved in extra-territorial issues outside the City's jurisdiction.
- G. Give all members an opportunity to express their views on the issues before the Council.
- H. Avoid disguising a statement as a question or using repetition as a way to convince others.
- I. Keep the discussion moving and call for a process check if the Council becomes bogged down in discussions.
- J. If a Council member wishes to discuss a major policy issue, it should be suggested as a future agenda item and not raised as an addendum.

6.4 Public Comment

- A. Public comment sign-up forms will be available at each meeting. At the time on the agenda designated for public comment, and during any public hearing, any member of the public desiring to address the Mayor and the Council shall first request to be recognized by the Presiding Officer and then state his or her name and address for the record. If necessary, the Council may limit comments to three minutes. The Council may request that groups with like comments choose a spokesperson to present their joint remarks.
- B. During public hearings, all public comment should be directed to the question under discussion and addressed to the Presiding Officer representing the Council as a whole.
- C. In general, Council will not respond to any comment made during the time on the agenda for public comment, except to provide information and ask clarifying questions.

SECTION 7 MOTIONS

6.1 General

- A. Council members should clearly and concisely state their motions. The Mayor will state the name of the Council member who made the motion and the Council member who made the second. The Mayor may make a motion or a second, provided that he or she first designates the Council President or, in his or her absence or inability to act, a senior member of the Council as the Presiding Officer during consideration of the matter.
- B. *If so requested*, the motion maker, Mayor, or City Manager should repeat the motion prior to voting.
- C. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, a point of order, and inquires of any kind do not require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.

- D. The Mayor will ask for a voice vote for all final decisions. The City Recorder will maintain a record of the votes. Any Council member may request an oral roll call vote on any decision.
- E. At the conclusion of any vote, the Mayor will announce the results.

7.2 Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.

7.3 Tie. A motion that receives a tie vote fails.

7.4 Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the matter may be taken from the table only by adding it to a future agenda at which time discussion may continue.

7.5 Postpone

- A. A motion to postpone to a certain time is debatable and amendable. The matter may be considered later at the same meeting or at a future meeting.
- B. A motion to postpone indefinitely is debatable and is not amendable. It may be reconsidered at the same meeting only if approved by an affirmative vote. This motion is not to postpone, but to reject the matter without a direct vote.

7.6 Call for Question. A motion to call for the question ends debate on the matter and is not debatable. A second is required for this motion and it fails without a two-thirds' vote. Debate may continue if the motion fails.

7.7 Amendment

- A. A motion to amend may be made to a previous motion that has been seconded but not voted on. An amendment is made by adding, striking out, or substituting words.
- B. Motions to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration, and take from the table may not be amended.
- C. Amendments are voted on first, then the main motion as amended.

7.8 Reconsideration. When a question has been decided, any Council member who voted in the majority may move for reconsideration. The motion for reconsideration must be made before adjournment of the meeting in which final action on the ordinance, resolution, order or other decision was taken.

SECTION 8 COUNCIL ETHICS; COUNCIL CONDUCT

8.1 Ethics. All Council members shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all Council members shall refrain from taking action which benefits special interest groups or persons at the expense of the City as a whole.

8.2 Representing City. If a Council member appears before another governmental agency, the media or an organization to give a statement on an issue, the Council member must state: 1) whether the statement reflects personal opinion or is the official position of the City; 2) whether the statement is supported by a majority of the Council. If the Council member is representing the City, the Council member must support and advocate for the official City position on the issue rather than a personal viewpoint.

8.3 Censure Process

- 8.3.1 Internal Oversight. The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Council member act in any manner constituting a substantial violation of these rules, City Ordinance or Charter, or other general laws, the remaining Council members may issue a censure or memorandum of concern pursuant to the following procedure:
- A. The process is initiated by a written statement by a Council member explaining the alleged misconduct of a Council member and if true, why disciplinary action is needed. Two Council members must date and sign the statement and deliver the original to the City Manager. The City Manager shall then place the matter before the Council at the next Regular Session meeting if the written statement is submitted to the City Manager not later than five (5) calendar days prior to such meeting, otherwise the matter shall be placed on the agenda for the following Council meeting.
 - B. An affirmative vote by five (5) or more members of the Council shall initiate an investigation. An affirmative vote by a Council member shall not indicate that such member believes the truth of the statement and/or the reasoning behind a proposed sanction, but merely that further investigation is warranted under the criteria set forth in subsection C) below. The Council member in question shall not take part in the discussion or the vote.
 - C. If initiated, an investigation shall be conducted by a committee consisting of three Council members appointed by the Council. Two additional Dayton residents shall be included if the Council member being investigated makes such request. Such residents shall be selected by the Council. The investigation shall be completed within 30 days of being initiated by the Council. The Committee shall review whether the alleged misconduct occurred, and if so whether the alleged misconduct occurred while acting in their official capacity as a City Council member, including, but not limited to the following instances:
 - 1) During a city meeting or while representing the City of Dayton;
 - 2) City Council member announced that they were a City Council member (and therefore infers that conduct is as a City Council member);
 - 3) Conduct occurred in writing available to the public (social media, newspaper) as identified as a City Council member.
 - D. If misconduct is found unanimously by the members of the City Council Committee, the Committee would present the investigation conclusion to the Council with a recommendation of any sanctions. Sanctions could include:
 - 1) A memo of concern from the full City Council, or
 - 2) Censure
 - E. The Council shall vote on the Committee recommendation. A memorandum of concern would require a four (4) member vote of the Council; a censure would require at least a five (5) member vote. The Council member in question shall not take part in the discussion or the vote.
 - F. If misconduct is not found unanimously by the City Council Committee, a public report of the Committee findings will be presented to the City Council during a Council meeting. A copy of that report will be given to the Council member who was investigated.

- 8.4 Investigation of Misconduct.** The Council may investigate the actions of any Council member 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 or elected officials has occurred, or that malfeasance in office or willful or wanton neglect of duty 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).

SECTION 9 CONFIDENTIALITY

- 9.1** The Council will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager, or City Attorney.
- 9.2** In Executive Sessions, Council members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion unless directed.
- 9.3** All public statements, information or press releases relating to a confidential matter should be handled by designated staff or a designated member of Council.
- 9.4** The Council may censure a member who discloses a confidential matter or otherwise violates the terms of these rules. (Subject to Section 7.2)

SECTION 10 COMMUNICATION WITH STAFF

- 10.1** The Council members will respect the separation between policy-making (Council function) and administration (City Manager function) by:
- A. Working with the staff as a team within a spirit of mutual respect and support.
 - B. Except in Council meetings, not attempting to influence a city employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts and/or the selection of consultants, the processing of applications or granting of City licenses and permits. However, sharing information on these matters is appropriate.
 - C. Limiting individual contacts with staff so as not to influence staff decisions or recommendations; to interfere with their work performance; to undermine the authority of supervisors; or to prevent the full Council from having benefit of any information received.
 - D. Except in a Council meeting, staff will not attempt to influence individual Council members concerning City business.
 - E. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
- 10.2** All written informational material requested by individual members of Council will be submitted by staff to the entire Council with a notation indicating who requested the information.
- 10.3** The Presiding Officer will refer any comments or questions regarding city personnel or administration to the City Manager. The Presiding Officer may redirect other questions to a Council member or the City Manager, as

appropriate. Councilors may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so

SECTION 11 MINUTES

11.1 Minutes shall be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council shall comply with provisions of ORS 192.650 by containing the following information at a minimum:

- The name of Council members and staff present;
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- The result of all votes, including ayes and nays and the names of the Council members who voted.
- The substance of the discussion on any matter.
- Reference to any document discussed at the meeting.

11.2 The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, the Council member should read and submit any changes, additions or corrections to the City Manager so that a corrected copy can be issued prior to the meeting for approval. Under no circumstances may the minutes be changed following approval by the Council, unless the Council authorizes such change.

SECTION 12 ADJOURNMENT

12.1 Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment may be for a period longer than until the next regular meeting.

12.2 Upon the request of two or more Council members a short break may be taken.

12.3 A motion to adjourn will be in order at any time except as follows:

- When made as an interruption of a member while speaking; or
- While a vote is being taken.

SECTION 13 DISQUALIFICATION

13.1 Bias

13.1.1 Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by the Council may challenge the qualification of any Council member to participate in such hearing and decision. Such challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member cannot participate and make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Presiding Officer will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.

13.1.2 In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning

Commission meeting. The Council member must state whether they can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, they have a duty to disqualify themselves from participating in proceedings and leave the Council table.

- 13.1.3** If the City Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.

13.2 Conflict of Interest

- 13.2.1** Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding or public meeting, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit or detriment of the Council member, a relative of a Council member or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit or detriment of the Council member, a relative of a Council member or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue. A Council member must publicly announce the actual or potential conflict of interest at each quasi-judicial proceeding or public meeting at which it arises, not just the first proceeding or meeting at which it arises.

13.3 Ex Parte Contacts

- 13.3.1** For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing, including conversations with other Councilors. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. *Ex parte* contacts can be made orally when the other side is not present, or they can be in the form of written information that the other side does not receive. A site visit is not in and of itself an *ex parte* contact unless there is communication from an outside party or information is gleaned from the visit that will be used for a future decision. Even if the site visit is not classified as an *ex parte* contact, it should still be disclosed during any applicable hearing.
- 13.3.2** If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and prior to the hearing. The Council member shall describe the substance of the contact and the Presiding Officer shall announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether he or she will participate or abstain.
- 13.3.3** For quasi-judicial hearings, a Council member who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Councilor has reviewed all the evidence and testimony received.

SECTION 14 OREGON GOVERNMENT ETHICS COMMISSION REQUIREMENTS AND REPORTING

- 14.1** Council members shall review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.

- 14.2** Council members shall give public notice of any conflict of interest or potential conflict of interest prior to every meeting at which such actual or potential conflict arises, and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
- 14.3** In accordance with ORS 244.195, it is each Council member's responsibility to file annual statements of economic interest with the Oregon Government Ethics Commission.
- 14.4** Council members shall attend or view training prepared by the Oregon Government Ethics Commission at least once during the member's term of office and shall verify member's attendance using the Commission's prescribed methods.

SECTION 15 LEGAL ADVICE

- 15.1** Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager.

SECTION 16 ROBERT'S RULES

- 16.1** Robert's Rules of Order Revised shall be used as the guideline for conduct of Council meetings.

SECTION 17 COMMITTEES, ORGANIZATIONS & MEDIA

17.1 Citizen Appointment and Removal

- A. The Mayor will appoint City committees, with the consent of the Council. The Mayor may request assistance from Councilors in making recommendations.
- B. Council members will encourage broad participation on City committees by generally limiting the number of terms a citizen may serve on the same City committee.
- C. A citizen may not serve on more than two City committees simultaneously. Any citizen serving on two City committees may not be chairperson of both City committees simultaneously.
- D. With the consent of the Council, the Mayor may remove a citizen from a City committee prior to the expiration of the term of office.

- 17.2 Council Member Participation.** Council members shall encourage City committee member participation.

17.3 Councilor Liaison

- A. The Mayor will appoint Councilors to liaison positions on any or all City committees, including ad hoc or limited term committees, as the Mayor deems necessary.
- B. Councilors, serving as Committee liaisons, shall not have a vote.
- D. Councilors may be removed from liaison positions by the Mayor, at his or her discretion.

17.4 Organizations, Media

- A. If the Mayor or a Councilor represents the City before another governmental agency, a community organization, or the media, the Council member should first state the Council majority position. Personal opinions and comments should be expressed only if the Council member makes clear that he or she does not express the Council position.
- B. Council members should obtain the appropriate permission before speaking on behalf of the City.

SECTION 18. CITY MANAGER EVALUATION PROCESS

18.1 Criteria. The job expectations and goals used in the evaluation of the City Manager will be adopted at a regular Council meeting in accordance with state law.

18.2 Form

- A. Council members and the City Manager will mutually agree on the form of the annual evaluation.

SECTION 19. COUNCIL EXPENSES

19.1 Reimbursement. Council members will follow the same rules and procedures for reimbursement as City employees.

19.2 Budget. Council will review and discuss its proposed annual budget as coordinated by the Mayor and Council President and as presented by City staff during a public meeting.

19.3 Guests. Under Oregon Government Ethics Commission rules, expenses for one guest per Councilor will be covered for attendance at official City functions.

Adopted by Resolution #04/05-31, 05/02/05; Amended by Resolution #05/06-14, 03/06/06; #06/07-28, 03/05/07; #07/08-26, 03/03/08; #10/11-13, 11/01/10 & #11/12-16 02/13/12, #18/19-13 03/04/19, #21-/22-14 02/07/22; #23/24-11 03/04/2024

