

RESOLUTION NO. 19-995-R

A RESOLUTION ESTABLISHING COUNCIL RULES OF PROCEDURE GOVERNING THE PROCESS TO BE FOLLOWED IN THE CONDUCT OF CITY BUSINESS; AND RESCINDING RESOLUTION 12-879-R.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TALENT, OREGON.

WHEREAS, ORS 192.610-192.710 establishes the framework for the conduct of any public meeting held by a city council in the State of Oregon;

WHEREAS, the City Council of the City of Talent desires to define in more detail how the council conducts its business and the procedures to follow in that process;

NOWHEREFORE, BE IT RESOLVED that the Common Council of the City of Talent hereby adopts the attached Council Rules of Procedures to be followed in the conduct of City business at all duly noticed meetings of the council.

Duly enacted by the City Council in open session on June 5, 2019 by the following vote:

AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 0



Gabriella Shahi, City Recorder and Custodian of City records

COUNCIL RULES OF PROCEDURE
Talent, OR City Council
Adopted by resolution June 5, 2019

Section 1. Authority

A. Pursuant to Chapter IV, Section 13 of the City Charter, the Council prescribes the following rules to govern its meetings and proceedings. The Council intends these rules to provide for efficient consideration of Council matters and to help preserve decorum during meetings. Unless otherwise specified, all references in these rules to the Council or Councilmembers include the Mayor.

B. Unless otherwise provided by charter, ordinance, or these rules, the procedure for Council meetings, and any subcommittee of the City Council, shall be guided by Robert's Rules of Order, 11th Edition.

C. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the Council and confuse members of the public.

D. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

Section 2. Meetings of Council.

A. Compliance and Quorum Requirement. All meetings of the City Council shall comply with the Oregon State Public Meetings Law, which is hereby incorporated by reference into these rules. A quorum must be present in order to conduct any meeting of the Council. A majority of the Council constitutes a quorum. A quorum is necessary to commence and maintain a meeting but is not necessary in order to conduct individual votes on a motion. If a quorum is established and then is later not maintained because a member or members have left the meeting, then the meeting must be adjourned.

B. Regular Meetings. The City Council will meet in regular session on the first and third Wednesday of each month unless the Council cancels or reschedules the meeting. If a scheduled meeting falls on a legal holiday, the Council shall meet on Tuesday of that week, or, by a majority vote, reschedule to an alternate date, or cancel the meeting. Regular sessions will convene at 6:45 p.m. All regular sessions will be adjourned no later than 9:30 p.m. unless extended by a majority vote of the members present at the meeting, but in no event later than 10:00 p.m. Unless otherwise required by statute or ordinance, notice of public meetings shall be given by posting the agenda for the meeting at City Hall, Town Hall and on the city website no later than 48 hours prior to the meeting time.

C. Special Meetings. The Mayor or three or more Councilmembers may call a special meeting of the City Council. Once notice of the request for the special meeting has been delivered to the City Manager, no less than twenty-four-hours-notice shall be given to the remaining Councilmembers, and to the public. Public notice shall be given by posting notice at City Hall, Town Hall and on the city website. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to

deal with an emergency involving danger to life or property, no notice is required. No general legislation may be considered at a special meeting except that for which the meeting is called.

- D. Executive Sessions. An executive session (a meeting closed to the public) may be held in accordance with the Oregon Public Meetings Law. The Mayor may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660, which authorizes the session. Representatives of the news media shall be allowed to attend executive sessions. The Mayor shall instruct any media representatives present not to disclose the substance of any discussion held during executive session. No final decision shall be made by Council in executive session. To make a final decision, the Presiding Officer shall either call the meeting into open session or place the issue to be decided on the agenda of a future open session. Executive sessions will generally be scheduled at the end of a Council meeting to encourage public participation on other agenda items.
- E. Study Session. Study sessions of the Council shall be held in accordance with Oregon Public Meetings Laws, and shall be called by either the Mayor, City Manager, or at the request of three Councilmembers. No votes or binding decisions can be made during study sessions. The Presiding Officer shall determine whether the public will be allowed to participate in discussions at study sessions. Study sessions will be held as needed, with a preference for the fifth Wednesday of the month, or at other times in coordination with the City Manager.
- F. Attendance. A Councilmember shall inform the City Manager, City Recorder, or Mayor if they** are unable to attend any meeting. Additionally, the Mayor shall inform the Council President, as well as the City Manager, if they are unable to attend any meeting. Councilmembers may only participate in Council meetings through personal attendance or via telephonic or web-based communication in accordance with the applicable provisions of Oregon Public Meeting Law. In all meetings other than executive sessions where electronic or web-based communication is used by one or more Councilmembers, the Council shall provide a location where the public can listen to the communication through speakers or other devices. The location provided does not have to be the same location where the meeting is taking place. When not participating as a Councilmember, any Councilmember is afforded the same opportunity to participate in a meeting as are other members of the public.

Section 3. Agenda.

The City Manager shall prepare the agenda of the business to be presented at a regular council meeting, special meeting, study session or executive session.

- A. The items on the agenda shall follow the formal order of business prescribed by these rules.
- B. The City Manager, Mayor, or individual Councilmember may request that a matter be placed on an agenda.
- C. The City Manager shall have the discretion to determine the timing of placement of an item on an agenda after considering meeting or staff time constraints.
- D. The Presiding officer shall have the opportunity to review and discuss draft agendas prior to distribution.

***The pronoun "they" as used throughout these rules is intended to indicate both the singular and plural meaning of the pronoun, as well as the masculine, feminine and gender-neutral meaning.*

E. Members of the public may request that an item be placed on an agenda by bringing that request first to the Council during the Non-Agenda Item portion of a meeting. Council may then request to add the item to a future agenda during discussion of Other Business.

F. Subject to the approval by a majority of the Council present at the meeting, and Oregon Public Meetings Law, the City Manager, the Mayor, or any Councilmember may add an item to the agenda at the beginning of any meeting.

Section 4. Minutes.

- A. Written minutes of all open regular and special meetings shall be prepared by the City Recorder or their designee. Minutes shall be approved by the Council at the next regular meeting and shall be made available for public inspection and posted on the city website once approved. The City Recorder or the person taking the minutes shall sign the minutes after they have been approved by the City Council. All meetings shall be digitally-recorded, and the recordings shall be kept pursuant to state law and city retention policy.
- B. Written minutes shall include the roll-call of the meeting, and the exact wording of all motions, resolutions, orders, ordinances, and measures proposed. Minutes shall also state the actual results of all votes taken, unless the vote is unanimous. In addition, the minutes should record the substance of the discussion on any matter before the Council, as well references to any documents discussed.

Section 5. Order of Business.

- A. Regular meetings shall be conducted in the following order of business, subject to the right of the Mayor, with Council consent, to alter the order of business:
 - 1. Call to Order/Roll Call.
 - 2. Community Announcements.
 - 3. Speakers Heard on Non-Agenda Items. The purpose of this item is to allow speakers to address the Council on matters related to city government and that are properly the subject of Council consideration. Speakers may address the Council for up to five minutes, unless the Presiding Officer, prior to the non-agenda item period, decides to allocate less time. Speaker comment shall not exceed the established time limitation unless the Council votes to suspend the rules. The Council shall not act on issues raised during the non-agenda item portion of the agenda. Issues raised during this period can be added to a future agenda by agreement of the Council during the Other Business portion of the meeting.
 - 4. Public Presentations. Presentations are limited to fifteen minutes unless prior arrangements with the Presiding Officer or City Manager have been made.
 - 5. Public Hearings. All public hearings shall be subject to the notice requirements specified in city ordinance and/or state law. In the absence of any local or state requirements, a Notice of Public Hearing shall be published in a local newspaper at least seven days prior to the hearing. A copy of the Notice of Public Hearing shall also be posted at Town Hall and on the city website at least seven days prior to the hearing. The purpose of public hearings is to: 1) provide input to the Council in the form of information and opinions from affected parties and members of the public; and 2) provide an opportunity for residents to be involved in municipal affairs. Public hearings may be continued to another meeting date as long as specified notice requirements are met.

6. 7. Consent Calendar. The consent calendar includes routine or non-controversial items that can be considered as a single action without discussion or debate, except for simple questions of clarification. Any member of the Council who does not wish to have an item considered under a single action without debate may ask to have that item removed from the Consent Calendar and taken up as an individual item under New Business.
8. Unfinished Business. Items that were taken up at a previous meeting and not concluded will be heard under Unfinished Business. Unfinished business items will be heard at the next regularly scheduled council meeting, unless the Council approves a motion to have an unfinished business item continued to a different date. Action on unfinished business will resume at the point at which the agenda item was being considered before the previous meeting was adjourned.
9. New Business. Items requiring a vote of the Council including resolutions, ordinances, budget matters, discussion of proposed policy changes or proposed projects, or any other business appropriate for Council discussion.
10. City Manager and Other Department Reports. Informational items from the City Manager and Department Heads. City Manager reports will generally take place on the first meeting of each month, and Department Head reports will generally take place the second meeting of the month.
11. Committee Reports. Reports by Councilmembers on the activities of city commissions or committees for which a Councilmember has been designated as the Council liaison or ex-officio member, or reports from non-city agencies or organizations to which the Councilmember has been appointed as the city representative.
12. Other Business. Items from the Mayor or Council, and items for future agendas.
13. Adjournment.

Section 6. Discussion of Business.

- A. The right to discuss the business before the Council is reserved exclusively for the Mayor, Councilmembers, the City Manager, and the City Attorney, with the following exceptions:
 1. Speakers during public hearings; and
 2. Speakers wishing to speak on non-agenda items.
- B. The Presiding Officer, in their discretion, may also recognize any city staff member or member of the audience to comment on any matter before the Council.
- C. No person shall be permitted to speak or present evidence until recognized by the Presiding Officer. All comments or evidence shall be addressed to the Presiding Officer and the Council. In the case of questions, the Presiding Officer may request input from appropriate sources (staff, council or presenters).
- D. Any member of the public that wishes to address the Council must fill out a Speaker Request form and give it to the City Recorder prior to the appropriate agenda item. Speakers must state their name and address for the record and adhere to the time limits set by the Presiding Officer. Speakers must also sit at the speaker table and use the microphones provided in order to facilitate the recording of the meeting.

Section 7. Conduct of Business.

- A. Presiding Officer: The Mayor shall preside at all meetings of the Council. In the absence of the mayor, the Council President shall preside. The Council President shall be elected at the first meeting of each odd-numbered year.

- B. Absence of Presiding Officer. In the absence of the Mayor and the Council President, the Council shall elect a Councilmember to serve as Presiding Officer as its first order of business. Any Councilmember may call a meeting to order for the purpose of electing a Presiding Officer.
- C. Substitution of Presiding Officer. The Presiding Officer may appoint a temporary Presiding Officer to cover their temporary absence from the meeting by handing the gavel to the Council President, or, if the Council President is absent or serving as Presiding Officer, to any other Councilmembers.
- D. Meeting Procedure. The Presiding Officer shall move through the order of business on the agenda. Once an agenda item has been announced, the Presiding Officer shall ask for any recusals on the agenda item. The Presiding Officer shall then ask for a staff report, if applicable. Once the staff report is completed, the Presiding Officer shall entertain questions and comments from the Council. Once the question period is complete, and the Presiding Officer may invite any speakers who have filled out a speaker request form to address the Council. The Council may then move on to the next agenda item without taking any action, may provide further direction to staff, or a member may make a motion to take a specific action on the agenda item, which, if seconded, begins deliberations. Debate shall proceed pursuant to subsections D through I of this section.
- E. Motion Procedure. When a motion is moved and seconded, it shall be restated by the Presiding Officer prior to debate. Once a motion is made and seconded, it may not be withdrawn without the consent of the Councilmember who seconded it. Any Councilmember wishing to speak for or against a motion must be recognized by the Presiding Officer before speaking to the motion. Generally, the Councilmember who made the motion shall be given the first opportunity to speak during the debate. Remarks made during debate shall be concise and focused on the motion being debated, in order to give all Councilmembers the same opportunity to participate in debate during the regular meeting time. No Councilmember shall be allowed to speak more than once on a motion until every other Councilmember has had an opportunity to do so.
 - 1. Amending the Main Motion. A motion to amend the main motion can be made at any time during discussion of the main motion. The motion to amend must be seconded to be in order for debate to begin. Once the motion to amend is made and seconded, debate is carried out in the manner prescribed in this section. A motion to amend must be decided before the debate on the main motion can continue. If the motion to amend is approved, the debate returns to main motion as amended. If the motion to amend is defeated, the debate returns to the main motion. No amendments may be made to a motion to amend.
- F. Motion to Limit Debate or Move the Previous Question. A motion to set a time limit on debate or to move the previous question (end debate altogether and go immediately to a vote) may be made any time during deliberations. Once a member has been recognized and the motion is made and seconded, it is immediately in order and supersedes any further discussion on the motion on the floor. A motion to set time limits on the debate or to move the previous question is not debatable and must be approved by a two-thirds vote of the members present and voting. Neither motion may be made while another speaker has the floor.
- G. Point of Order. Any member may raise a point of order at any time when they believe that a violation of the Council Rules has occurred. The member must be recognized by the Presiding

Officer prior to stating their point of order. Once the point of order has been stated, the Presiding Officer must make a decision on the point of order as stated. The Presiding Officer may consult the rules or seek advice before making their ruling. If the Presiding Officer is in doubt on the point of order, they may ask for a vote of Council in order to reach a ruling. Once a decision is made as to a point of order, the order of debate continues. A point of order must be made at the time a breach of the rules occurs and is not intended for minor infractions of the rules or for dilatory reasons. The Presiding Officer's ruling on a point of order is subject to the right of any Councilmember to appeal the decision to the full Council.

- H. Motion to Reconsider. A motion to reconsider the vote on a previous motion may be made during Other Business, but only by a member who voted on the prevailing side. The motion may be taken up immediately if no other business is pending or may be postponed to a later time or meeting by the order of the Presiding Officer. A motion to reconsider a previous vote must be seconded by any member of the Council, is subject to debate, and must be approved by a majority of the members present and voting. The purpose of reconsideration is to permit correction of hasty, ill-advised, or erroneous action, or to consider new information or changed circumstances that have arisen since the original vote.
- I. Motion to Suspend the Rules. A motion to suspend the rules is used primarily to take up an item of business out of regular agenda order, or to set aside a standing procedural rule. The motion must be seconded, but is not debatable nor subject to amendment, and may be approved by a majority of the members present and voting. A motion to suspend the rules cannot be made to suspend rules provided by city ordinance, state law, or to contravene provisions of the City Charter.
- J. Notwithstanding subsections E through I of this section, the procedures for the conduct of Quasi-Judicial Hearings and Hearings on Legislative Actions involving land use issues shall be governed by applicable city ordinance and/or state law. Prior to the commencement of one of the above-described proceedings, the City Manager shall provide the Presiding Officer with instructions setting forth the procedures to be followed. The Presiding Officer shall read the procedures into the record at the start of the hearing, and the hearing process will be governed by those procedures.

Section 8. Voting.

- A. Requirements. The affirmative vote of a majority of those present and voting at a meeting is required to approve any motion before the council. Each Councilmember present must vote on all motions unless the member has an actual conflict of interest that would disqualify the member from voting, or if the Council agrees to suspend this rule for a particular vote. If a member has an actual conflict of interest, that conflict must be stated at the start of an agenda item, and the member shall refrain from participating in the agenda item or voting on any motions pertaining to the agenda item.
- B. Roll Call Vote. At the request of any Councilmember, or as a requirement of any ordinance, any question shall be voted on by roll call.
- C. Tie Vote. The Mayor shall not vote on any matter of city business except in the case of a tie vote, in which case the Mayor is required to vote, and shall not abstain.
- D. Record of Votes. Unless the vote is unanimous, the ayes and nays of each Councilmember shall be recorded and entered in the minutes.

Section 9. Ethics Code.

- A. Councilmembers shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. If a Councilmember has an actual conflict of interest on a matter before the Council, the conflict shall be disclosed, and the member shall refrain from participating in any discussion or voting on the matter. If a Councilmember has a potential conflict of interest, the conflict shall be disclosed, but the member may participate in any discussion and votes on the matter. It is up to individual Councilmembers to make personal determinations regarding conflicts of interest.

In addition to matters of financial interest, Councilmembers shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the council. The general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public;
 2. Making decisions involving business associates, customers, clients and competitors;
 3. Violating any council rules in fact or intent;
 4. Appointing relatives, clients or employees to boards and commissions;
 5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends;
 6. Seeking employment of relatives with the city;
 7. Taking actions benefiting special interest groups at the expense of the city as a whole;
 8. Expressing a public opinion that is contrary to the official position of the Council without so stating.
- B. Councilmembers shall conduct themselves so as to bring credit to the government of the city by respecting the rule of law, ensuring nondiscriminatory performance of public services, endeavoring to be adequately informed on matters for Council consideration, and abiding by all decisions of the council, whether or not the member voted on the prevailing side.

Section 10. Legal Advice.

Requests to the City Attorney for legal advice shall not be made by a member of the Council. Requests for legal advice shall be made through the City Manager. If the Council requests advice pertaining to the job performance of the City Manager, then the Mayor may consult the City Attorney on that specific issue on behalf of the Council. The City Manager shall provide the Council with the full text of any Council-generated request and any resulting legal opinions or advice that are produced by the City Attorney based on requests from the Council.

Section 11. Communication with Staff.

Councilmembers shall respect the separation between policy-making and administration by limiting individual contacts with city employees so as not to direct staff decisions or recommendations, or otherwise interfere with their work performance. Specific requests for assistance or information from city staff should be made through the City Manager's office. Information that would benefit the full Council should be sought during Council meetings.

Section 12. Written Communications.

- A. Persons who wish to communicate with the Mayor, Council, or Councilmembers on matters of Council interest through written communications may address those communications to the Mayor, the full Council, individual Councilmembers or the City Manager. Written communications include electronic communications sent to official city e-mail addresses. Any written communication that is sent to the Council or City Manager may be included in the public record of a meeting by requesting that the communication be included in a Council agenda packet under Written Communications. Written Communications will not be read into the record or discussed by the Council.
- B. The Mayor or any Councilmember may request staff assistance through the City Manager's office to respond to a written communication. Any response utilizing staff time or city resources must represent Council policies or positions, and not those of individual Councilmembers.

Section 13. Use of Electronic Devices.

- A. As used in this section, "electronic communication devices" means laptop computers, smart phones, cell phones, or other similar devices capable of transmitting or receiving information or messages electronically.
- B. As used in this section, "electronic communications" means e-mails, text messages, social media postings, or other forms of communication transmitted or received by technological means.
- C. In keeping with the intent of the state's open meetings law, it is the policy of the Council that the use of electronic communications devices during Council meetings shall be limited and shall otherwise comply with all rules and laws applicable to proceedings before the Council or communications outside Council meetings.
- D. Any electronic communication regarding a quasi-judicial matter to be considered by the Council is an ex-parte contact, and shall be disclosed, as required by law.
- E. This rule does not prohibit the use of computers or other devices on the dais for viewing the Council meeting agenda and agenda packet during Council meetings. This rule also does not limit the use of electronic communication devices outside of public meetings. However, all electronic communications pertaining to city business both sent and received by members of the Council are subject to, and must comply with, the rules and laws applicable to public records.
- F. All phones and other electronic devices shall be kept on silent or in vibrate mode during Council meetings.

Section 14. Confidentiality.

The Mayor and Councilmembers shall maintain the confidentiality of all confidential information provided to them, whether written or oral. No reference to, or discussion of, any confidential information shall occur beyond other Councilmembers, the City Manager or City Attorney.

When the Council, in executive session, provides direction or consensus to staff on proposed contract terms and conditions, or related to negotiations regarding property acquisition or disposal, or pending or likely legal claims or litigation, or employee negotiations, then all contact with negotiating parties shall be made only by designated staff or other representatives handling the negotiations or litigation. A Councilmember or the Mayor shall not have any contact or discussion with any other negotiating party or its representative nor communicate regarding any executive session discussion.

Although Oregon state law requires that the media be allowed to attend executive sessions, no Councilmember shall engage in discussion with the media outside the executive session on the topic of that session. The media is no longer bound by the requirements of confidentiality should discussion continue once the executive session is adjourned.

Councilmembers are bound by the confidentiality rules pertaining to executive sessions even after they no longer serve on the City Council.

The Council, by resolution, may censure a member who discloses a confidential matter.