



NOTICE

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If you have any comments on Agenda items for this meeting and do not want to attend, please email comments to aamerson@ci.carlton.or.us.



**CITY COUNCIL WORK SESSION AGENDA
TUESDAY, AUGUST 4, 2020
VIA ZOOM, 191 E. MAIN STREET, CARLTON**

The Mission of the City of Carlton is to safeguard and enhance the vitality and livability of the community by providing essential services with professionalism and integrity.

6:00 WORK SESSION MEETING	Pages
1. CALL TO ORDER	
2. ROLL CALL	
3. ANNOUNCEMENTS/REPORTS/PRESENTATIONS	2 – 31
A. Council Code of Conduct	2 – 31
4. ADJOURN TO REGULAR MEETING	

Chapter 2.05 - COUNCIL RULES AND PROCEDURES¹¹**Sections:**

Footnotes:

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Editor's note— Ord. No. 2019-719, § 1, adopted January 8, 2019, amended Ch. 2.05 in its entirety to read as herein set out. Former Ch. 2.05, §§ 2.05.010—2.05.270, pertained to similar subject matter, and derived from Ord. 637 §§ 1—27, 2005.

2.05.010 - Statements of intent.

Councils are composed of individuals with a wide variety of backgrounds, personalities, value opinions, and goals. Recognizing this diversity, all have chosen to serve in public office in order to advance the goal of preserving and protecting the present and the future of the Carlton community. In all cases, this common council goal should be acknowledged even as council may "agree to disagree" on contentious issues.

Governance of a city relies on the cooperative efforts of elected officials, who set policy, city staff, who implement and administer council policies, and public volunteers. Therefore, every effort should be made to be cooperative and respect the contributions made by everyone to the community.

Council members have a public stage to demonstrate effective problem-solving approaches. The council can show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community

At all times, while in session or otherwise, councilors shall conduct themselves in a manner appropriate to the dignity of their office.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.020 - Regular monthly council meeting date.

The city council of the city of Carlton shall have as its regular meeting, the first Tuesday of each month at seven p.m. and at such other additional dates and times as the council shall determine. All regular sessions will be normally adjourned not later than ten p.m. unless extended by consent of a majority of councilors present at the meeting. Meetings shall normally be held within the council chambers of the Carlton City Hall, 191 E. Main Street, Carlton, Yamhill County, Oregon. A regular meeting of the city council may be canceled or rescheduled by order of the city manager and mayor.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.030 - Work sessions.

Upon legal notice duly given, the Carlton city council shall have the power to schedule study sessions of the city council of the city of Carlton. Work sessions may be called by the mayor or a majority of the members of the council.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.040 - Special meetings.

Upon legal notice duly given, the city council shall have and retain all due powers to set other dates and times places or location for special meetings of the city council of the city of Carlton. No action may be taken at a special council meeting except for matters appearing on the agenda for such special meeting.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.050 - Continuance of meeting.

Any meetings of the city council may be continued from day to day, or for more than one day, but no continuance shall extend beyond the next regular meeting.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.060 - Quorum.

For the transaction of business by the city council, a majority of the members of the council currently holding office must be present. If a quorum is not present, the city recorder shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required to enable the council to proceed. If the absent member or members do not appear after thirty (30) minutes, the members present shall adjourn until a specific time or until the next regular meeting.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.070 - Public notice required for meetings.

Public notice of the time, place, and the principal subjects anticipated to be covered at the council's regular or special meetings, including those for executive session only shall be provided as required in ORS 192. Interested persons and the news media which have stipulated in writing that they wish to be notified of every meeting must be so notified. Such persons, other than those representing the news media, shall be required to express an interest in remaining on the notification list every six months. Notice to interested parties may be given by electronic means.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.080 - Written minutes required.

The council shall provide for the taking of written minutes of all its meetings under the provisions of ORS 192. A summary report of all actions taken by the city council at each of its meetings shall be prepared by the city recorder as soon after each meeting as is practicable and shall be distributed when they are approved to such interested parties as may be determined by the council. Written minutes shall include the names of all councilors present and absent, all motions, resolution, orders, ordinances and measures proposed and their disposition, the results of all votes, with the vote of each councilor by names unless the vote is unanimous, the substance of the discussion of any matter and references to any documents discussed.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.090 - Agenda.

The city manager shall prepare an agenda of the business to be presented at a regular council meeting, which shall be posted at City Hall and the U.S. Post Office stating the day and time and to be published prior to the meeting. Additions to the published agenda may be approved by the council. Non-agenda items brought before the council during a meeting shall normally be for informational purposes only.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.100 - Regular or special meetings to be public.

All regular or special meetings and all study sessions of the city council shall be public meetings and open to the public and all persons shall be permitted to attend any meeting.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.110 - Executive sessions permitted on certain matters.

The city council may conduct an executive session during a regular, special or emergency meeting, or study session in compliance with statutory limitations.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.120 - Presiding officer at council meetings.

The mayor, or in his or her absence, the council president, shall take the chair of city council meetings at the hour appointed and shall immediately call the council to order. The roll shall then be called by the city recorder who shall enter in the minutes of the meeting the names of the councilors present. In the absence of the mayor and the council president, the city recorder shall call the council to order whereupon a temporary presiding officer shall be elected by the members of the council present. Upon arrival of the mayor at the meeting, the council president, if then presiding, shall relinquish the chair upon the conclusion of the business immediately before the council. If a temporary presiding officer is presiding, he or she shall relinquish the chair upon the conclusion of the business immediately before the council to the mayor or council president upon the arrival of either.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.130 - Order of business of council.

The order of business at regular council meetings shall be as follows except the city manager may delete items V, VII, VIII, if there is no specific business under that item and the presiding officer may revise the order of business.

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Changes or Additions to the Agenda
- V. Ceremonies/Appointments/Announcements
- VI. Citizen Comments
- VII. Consent Agenda

VIII. Public Hearings/Ordinances/Resolutions/Discussion/Action Items

IX. Future Agenda Items

X. Adjournment

(Ord. No. [2019-719](#), 1-8-2019)

2.05.140 - Consent agenda.

To make more efficient use of meeting time, the city manager shall place all items that are routine in nature and without expected debate on a "consent agenda" to be considered at the council's regular meetings. Any item placed on the consent agenda shall be removed at the request of the mayor or a councilor prior to the time a vote is taken on the consent agenda items. All remaining items on the consent agenda shall be disposed of by a single motion "to adopt the consent agenda". Adoption of the consent agenda shall be by the affirmative vote of all councilors present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item shall be voted on separately in the usual manner.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.150 - Council debate.

Debate by the city council shall be conducted as follows:

- A. The mayor, or such other member of council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and the presiding officer shall not, except as set forth in the City Charter, be deprived of any privileges of a councilor by reason of his or her acting as the presiding officer.
- B. Every councilor desiring to speak shall address the chair and upon recognition by the presiding officer, shall confine himself or herself to the question under debate.
- C. A councilor, once recognized, shall not be interrupted while speaking unless it be to call him or her to order or as herein otherwise provided. If a member of the council, while speaking, be called to order, he or she shall cease speaking on the point until the question of order be determined and if in order, he or she shall be permitted to proceed.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.160 - Addressing the council.

- A. Administrative Staff and City Employees Addressing Council or Public. Members of the city's administrative staff and other city employees desiring to address the council or members of the public shall first be recognized by the presiding officer and shall address such remarks to the presiding officer. The staff may respond to questions or comments by the council or members of the public with permission of the presiding officer, but shall always do so in a polite, tactful manner.
- B. Public Members Addressing the Council.
 1. Any public member desiring to address the council shall wait to be recognized by the presiding officer. After recognition, the person's name and address shall be stated for the record and the remarks shall be limited to the question under discussion. All remarks and questions shall be addressed to the presiding officer and not to any individual councilor, staff member or other person. No person shall enter into any discussion without being recognized by the presiding officer.

2. Any public member addressing the council shall be limited to three minutes unless further time is granted by the presiding officer. Subject to the discretion of the presiding officer, no public member shall be allowed to speak more than once upon any one subject until every other public member choosing to speak thereon has spoken.
3. Any written public comments intended for the city council must be submitted to the city recorder at City Hall. Except as required by state statute or city code regarding public hearings or quasi-judicial matters, persons who wish to submit written comments or testimony on an agenda item or public hearing must submit ten (10) copies to the city recorder for distribution to individual council members.
4. After a motion has been made, no public member shall address the council without securing permission from the majority of the council.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.170 - Voting by council.

Voting by the council shall be as follows:

- A. On ordinances, the city recorder shall call the name of each councilor in attendance and the "aye" or "nay" of each shall be recorded in the minutes of the records of the council proceedings. Any member may change his or her vote prior to the next order of business.
- B. Except as otherwise provided in the Charter or in subsection A of this section, a motion shall be deemed carried if a quorum is present and a majority of those voting vote "aye".
- C. Every member of the council, when present, has a responsibility to vote upon all matters before the council. Should a council member abstain from voting on a specific matter, he or she shall give a clear and concise reason for the abstention which shall be listed in the written minutes of the meeting.
- D. Any member who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent of the council.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.180 - Conflicts of interest—Bias—Ex-parte contact.

Members of the council and all other persons who serve the city in any capacity (e.g., officer, employee, agent, or otherwise) shall perform their duties in accordance with Oregon's ethics laws as provided in ORS Chapter 244.

- A. Periodically the city attorney shall review the latest edition of the Guide for Public Officials with council and staff.
- B. Each newly elected or appointed member of the council shall be given a copy of the latest edition of the Guide for Public Officials prior to the member's participation in any decision-making process. It shall be the duty of the city manager, to distribute the guide in a timely manner.
- C. Elected officials, appointed officers or employees of the city who have a potential or actual conflict as deemed by ORS 244.020(1) and (7) relative to any matter or ordinance coming before the city council shall declare such conflict immediately upon introduction of the item to the city council by the presiding officer. Disclosure of such potential or actual conflict shall be made a part of the record of the proceedings. Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.185 - Definitions.

As used in Section 2.05.180:

Bias. No councilor shall participate in any manner in a quasi-judicial decision if the councilor has actual bias regarding the decision. Actual bias means prejudice or prejudgment of facts to such a degree that a councilor is incapable of rendering an objective decision on the merits of the case.

Ex-parte Contact. Before participating in any quasi-judicial decision, a councilor shall declare any ex-parte contacts. An "ex-parte contact" is an oral or written communication with a member of the council regarding the merits of the case made outside of the public hearing process during the pendency of a proceeding. (Communication with staff is not an ex-parte contact). Effective declaration of an ex-parte contact shall include identification of the party and disclosure of the nature of the communication.

"Potential conflict of interest" means any action by a councilor, which would be the private pecuniary benefit or detriment of the councilor or a member of the councilor's household, or a business with which the councilor or member of the councilor's household is associated.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.190 - Council-administration relations.

- A. There will be mutual respect from both councilors and staff of their respective roles and responsibilities when and if expressing concerns in a public meeting.
- B. The council sets city policies and goals. The staff implements and administers the policies and goals.
- C. During a city council meeting, all requests for information go directly to the mayor or city manager. At other times, if the request for information would entail an effort that would require time to be spent in researching and/or preparing a response, the request goes directly to the city manager. The city manager will direct them to other staff, the city attorney or deal with them himself or herself as appropriate. Questions or complaints regarding staff go directly to the mayor or city manager.
- D. The city councilors may seek information from staff members regarding the operation of their department but will not attempt to change or interfere with the operation or practice of any city department or personnel except by directing their concerns to the city manager or the mayor.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.200 - Boards and committees.

The council may establish boards and committees and provide for their powers and duties, and the council may consolidate, merge, or abolish any of the said boards or committees. The establishment, consolidation, merger, or abolishment of any boards or committees shall be accomplished only by ordinance. Unless otherwise required by law, the city charter or city ordinance, all board and committee members shall be appointed by the mayor with the approval of the council. Initial appointments shall specify the term of office of each individual in order to achieve overlapping tenure. All members shall be subject to removal by the appointing authority. Appointments to fill vacancies for unexpired terms shall also be made by the mayor with the approval of the council. Except as otherwise provided in this ordinance, each board and committee shall choose its own chair and vice-chair from its members and operate in accordance with the rules of procedures set forth in this chapter, unless inconsistent with the provisions of the ordinance establishing the board or committee.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.210 - Appointments to boards and committees.

- A. All appointments to city boards and committees shall be made in accordance with the Oregon Revised Statutes, the city charter, city ordinance and Section 2.05.200 of this chapter. Appointees may be appointed to two boards or committees at a time or one committee and one board or committee.
- B. Upon the start of each calendar year the city manager shall provide to all members of the city council a listing of all board, commission and committee terms due to expire in that year. All appointments shall be presented by the mayor and confirmed by a majority vote of the councilors present and voting. In all appointments the mayor shall endeavor to submit to the council the names of persons nominated for appointment, as far in advance as practicable to the date of the meeting wherein said appointment shall be considered.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.220 - Maintenance of order and decorum of council meetings.

It shall be the duty of the presiding officer to maintain order during council meetings. Harsh or abusive language shall not be permitted. In the event of circumstances beyond the ability of the presiding officer to control, that officer is empowered to instruct the police department to preserve order. and eject any person ordered to be removed by the presiding officer.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.230 - Orientation of new council members.

To ensure an orderly transition or continuance of legislative authority, all newly elected or appointed council members shall be formally advised of current council affairs and procedures.

- A. Immediately upon election or appointment to the council, new members shall thenceforth be given copies of all printed materials which are distributed to other members of the council.
- B. Upon appointment to the council, new members shall be given:
 - 1. The City Charter;
 - 2. A Guide for Public Officials;
 - 3. Carlton Comprehensive Plan;
 - 4. L.O.C. Handbook for Oregon city councilors;
 - 5. Current city budget and the most recent audit;
 - 6. Roster of city officials and standing committees.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.240 - Council member communications.

- A. All council members electronic correspondence is subject to disclosure according to the Oregon public records and meetings laws. Council members shall use their city-issued email accounts for city and council business. Email may not be used to discuss policy issues with a quorum of the

council or a quorum of a standing advisory body in a manner which would be in violation of the Oregon public meetings laws.

- B. Unless authorized by a majority vote of the city council to speak on their behalf, any written or oral communication by the mayor or any city council member which could be interpreted as being representative of a position of the city council in general must contain a disclosure that the communication is solely that of the sender.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.250 - Evaluation of council appointive officers.

Council appointed officers who are employees of the city shall have their job performance evaluated at regular intervals. The results of each evaluation shall be reviewed and discussed with the officer and shall be filed in the officer's personnel record.

- A. City Manager. The city manager shall be evaluated by the city council using council adopted criteria at least annually. Upon initial employment the manager may be evaluated after his or her sixth months of service. Compensation may be evaluated annually or in accordance with, written employment agreements.
- B. Municipal Judge and City Attorney. An annual evaluation of these offices may be performed by the council at the pleasure of the council.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.260 - Employees attendance at meetings.

- A. City Manager. The city manager shall attend all meetings of the council unless excused by the mayor or the council. The manager may take part in all discussions concerning the welfare of the city. He or she shall have the authority to make recommendations to the council and when doing so shall present all reasonable alternatives for council consideration.
- B. City Recorder. The city recorder shall attend all meetings of the council unless excused by the city manager.
- C. City Attorney. The city attorney, either in person or by deputy, shall attend all regular council meetings unless excused by the city manager and/or the mayor/councilmembers.
- D. Officers and Employees. Any member of the council may request that the city manager direct any department head to attend any regular, special or executive meeting to confer with the council on matters relating to the city.

(Ord. No. [2019-719](#), 1-8-2019)

2.05.270 - Confidentiality.

- A. Councilors must keep in complete confidence all written materials and verbal information clearly labeled as such, provided to them on matters that are confidential under law. No mention of confidential information read or heard should be made to anyone other than other councilors, the city manager or city attorney.
- B. If the council, in executive session, provides opinions or information to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, a proposed, pending or likely claim or litigation, and/or employee negotiations, all contact with the other parties shall be made by the designated staff representative handling the negotiations or litigation. A councilor shall not have any contact or discussion with the other party or its

representative involved with the issue nor communicate any discussion conducted in executive session.

- C. All public statements, information, or press releases on confidential matters will be handled by the mayor for the council and the city manager or designee for staff.

(Ord. No. [2019-719](#), 1-8-2019)

CITY OF CARLTON

Rules of Procedure for City Council

JUNE 2020

DRAFT



Rules of Procedure for City Council

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CHAPTER 1 - Councilor Code of Conduct

The individual attitudes, words and actions of Council members should demonstrate, support and reflect the qualities and characteristics of our great city of Carlton and the community it contains. While the Code of Conduct is not intended to be a set of rules that all councilors are compelled to follow, they do set aspirational goals and Council members should strive to meet the spirit of the following code of conduct:

- I. Do the right thing, in doing the right thing, I will:**
 - A. Be honest with fellow Council members, the public and others.
 - B. Credit others' contributions to moving our community's interest forward.
 - C. Make independent, objective, fair and impartial judgments by avoiding relationships and transactions that give the appearance of compromising objectivity, independence, and honesty.
 - D. Reject gifts, services or other special considerations, given with the intent to influence your decisions.
 - E. Protect confidential information concerning litigation, personnel, property or other affairs of the City.
 - F. Use Public resources such as staff time, equipment, supplies or facilities, only for City related business.

- II. Get It Done, in getting it done I will:**
 - A. Review materials provided in advance of the meeting.
 - B. Make every effort to attend meetings.
 - C. Be prepared to make difficult decisions when necessary.
 - D. Make decisions after prudent consideration of the financial impact, taking into account the long-term financial needs of the City.

- III. Respect and Care, in respecting and caring, I will:**
 - A. Promote meaningful public involvement in the decisions making process.
 - B. Treat Council members, board members, staff and the public with patience, courtesy, and civility, even when we disagree on what is best for the community.
 - C. Share substantive information that is relevant to a matter under consideration from sources outside the public decisions-making process with my fellow Council members and staff.
 - D. Respect the distinction between Council and staff
 - E. Encourage participation of all persons and groups

CHAPTER 2 – General Governance

I. Rules of Procedure.

- A. Unless otherwise provided by charter, ordinance, or these rules, the procedure for city council meetings, and any subcommittee of Carlton City Council, shall be guided by Robert's Rules of Order, as it may be amended from time to time.
- B. 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.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

II. Quorum.

- A. A quorum is required to conduct official city business.
- B. The members of the Carlton City Council are the City Councilors and Mayor. Fifty-percent plus one of the currently serving members of the Council shall constitute a quorum.
- C. In the event a quorum is not present, the members of Council present shall adjourn the meeting.

III. Presiding Officer.

- A. The Mayor shall preside over all meetings. The Mayor shall have all rights and privileges of the office of Mayor as set out in the City charter when acting in this capacity.
- B. In the Mayor's absence the Council President shall preside over the meeting. The Council President shall have all rights and privileges of the office of Mayor as set out in the City charter when acting in this capacity.
- C. If both the Mayor and the Council President are absent from the meeting, the following procedures shall be utilized to determine who is the presiding officer:
 - 1. The City Recorder shall call the council meeting to order and call the roll of the members.
 - 2. Those members of Council present shall elect, by majority vote, a temporary presiding officer for the meeting.
 - 3. The presiding officer shall have all rights and privileges of the office of Mayor as set out in the City charter when acting in this capacity.
 - 4. Should either the Mayor or the Council President arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

- IV. Agendas.** The City Manager shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.
- A. Agendas and informational material for meetings shall generally be distributed to the council at least three (3) days preceding the meeting.
 - B. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal under Approval of Agenda.
 - C. A member of the Council who wishes to have an item placed on the agenda shall advise the City Manager at least two weeks prior to the meeting.
 - D. Notwithstanding, Chapter one section IV agendas, three members of City Council may request an item be placed on the agenda by advising the City Manager. Such requests shall be made in writing. The City Manager may not remove an agenda items placed on that agenda in accordance with this provision.
- V. Order of Business.** The order of business for all regular meetings shall be as follows, however when it appears to be in the best interest of the City, the order of business may be changed for any single meeting by the City Manager prior to the meeting agenda being made available to the public, except that the Citizen Comments portion of the meeting shall be held prior to any regular agenda items requiring a vote by City Council:
- Call to order
 - Pledge of Allegiance
 - Roll call
 - Approval of Agenda
 - Consent Agenda
 - Citizen Comments
 - New Business
 - Public Hearings
 - City Manager Report
 - Council Announcements
 - Adjournment
- A. Call to Order. The presiding chair shall call all meetings of the Council to order.
 - B. Roll Call. The City Recorder shall conduct a roll call to determine which members of the Council are present and which are absent.
 1. The attendance shall be properly reflected in the minutes.
 2. If roll call determines that a quorum is not present, a public meeting may not occur and those members present shall adjourn.

C. Consent Agenda. In order to expedite the Council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.

1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
2. Any item on the consent agenda may be removed for separate consideration by any member of the Council. This action should take place during the Approval of Agenda portion of the agenda.

D. Citizen Comment

1. An opportunity for citizen comment will be reserved for every regular, special and emergency meeting of the Council. This period shall not exceed a maximum of 30 minutes, unless a majority of Councilors present vote to extend the time.
2. Citizen comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the Council or City staff.
3. Persons wishing to speak during citizen comments must sign and submit a Request to Speak form provided by the City, which must include the person's name and address and the topic upon which the person wishes to speak, not later than the Call to Order.
4. Except as otherwise provided herein, the public shall be entitled to comment during citizen comments on all matters before the Council that require a vote, including ordinances and resolutions. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Citizen comments shall not be used to testify about a quasi-judicial land use matter.
5. Speakers are limited to three minutes. The speakers will be called upon in the order in which they have submitted Request to Speak forms, until the time allotted for citizen comments has expired. Speakers shall identify themselves by their names and address. All remarks shall be addressed to the presiding officer.

E. Public Hearings Generally

1. A public hearing will be held when required by law, and 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.
2. Persons wishing to speak must sign and submit a Request to Speak form provided by the City, which must include the person's name and address and the topic upon which the person wishes to speak, prior to the commencement of the public hearing at which the person wishes to speak.

3. The City Recorder shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda, and shall read a statement setting forth the procedures for the hearing and the applicable time limits. The presiding officer shall then declare the hearing open.
4. Speakers shall identify themselves by their names and address. All remarks shall be addressed to the presiding officer.

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 may intervene if a Councilor is violating the spirit of this guideline.

5. 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.
6. The presiding officer may exclude immaterial matter. The presiding officer, 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 shall announce any such restrictions prior to the commencement of the testimony.
7. During deliberations, each member of the Council shall have the opportunity to comment on or discuss testimony given during the public hearing.
8. 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 City Recorder 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.

F. A Public Hearing Procedures and Time Limits

1. For **Quasi-Judicial hearings**, the following procedures and time limits shall apply:
 - a. Staff will present the staff report – 15 min.
 - b. Questions (if any) by the City Council for staff.
 - c. Receive any written testimony.

- d. Open the public hearing for testimony, and time will be limited as follows:
 - 1. Applicant(s) – 30 min (split between presentation and rebuttal).
 - 2. Person(s) in favor of the application – 3 min each.
 - 3. Person(s) opposed to the application – 3 min each.
 - 4. Person(s) neutral with regard to the application – 3 min each.
 - 5. Rebuttal from the Applicant(s) – remainder of 30 min.
 - e. Close the public hearing (no other comments will be heard from the public or the Applicant(s)).
 - f. Final comments by staff – 15 min.
 - g. Question of staff, if any, by the Council.
 - h. Discussion by the Council.
2. For **Legislative hearings with an applicant**, the following procedures and time limits shall apply:
- a. Staff will present the staff report.
 - b. Questions (if any) by the City Council for staff.
 - c. Receive any written testimony.
 - d. Open the public hearing for testimony, and time will be limited as follows:
 - 1. Applicant(s) – 30 min (split between presentation and rebuttal).
 - 2. Person(s) in favor of the application – 4 min each.
 - 3. Person(s) opposed to the application – 4 min each.
 - 4. Person(s) neutral with regard to the application – 4 min each.
 - 5. Rebuttal from the Applicant(s) – remainder of 30 min.
 - 6. Close the public hearing (no other comments will be heard from the public or the Applicant(s)).
 - 7. Final comments by staff.
 - 8. Questions of staff, if any, by the Council.
 - 9. Discussion by the Council.
3. For all **other Legislative or Administrative hearings**, the following procedures and time limits shall apply:

- a. For all other Legislative or Administrative hearings, the following procedures and time limits shall apply:
 - b. Staff will present the staff report.
 - c. Questions (if any) by the City Council for staff.
 - d. Receive any written testimony.
 - e. Open the public hearing for testimony, and time will be limited to 3 minutes per person. Any interested person may present testimony.
 - f. Close the public hearing (no other comments will be heard from the public).
 - g. Final comments by staff.
 - h. Questions of staff, if any, by the Council.
 - i. Discussion by the Council.
4. For **Appeals**, the following procedures and time limits shall apply:
- a. Staff will present the staff report – 15 min.
 - b. Questions (if any) by the City Council for staff.
 - c. Receive any written testimony.
 - d. Open the public hearing for testimony. Only those who previously went on the written or verbal record in connection with the decision being appealed may appear before Council on appeal. Time will be limited as follows:
 - e. Applicant(s) – 30 min (split between presentation and rebuttal).
 - f. Person(s) in favor of the application – 3 min each.
 - g. Person(s) opposed to the application – 3 min each.
 - h. Person(s) neutral with regard to the application – 3 min each.
 - i. Opposing party on appeal - 30 mins (to be divided equally if there are opposing parties).
 - j. Rebuttal from the Applicant(s) – remainder of 30 min.
 - k. Close the public hearing (no other comments will be heard from the public or the Applicant(s)).
 - 1. Final comments by staff – 15 min.
 - 2. Questions of staff, if any, by the Council.
 - 3. Discussion by the Council.

G. Written Communications to Council

- 1. Unsolicited communications received by staff and addressed to the Council as a whole concerning matters on the agenda shall be provided

to the Council prior to the meeting or at the meeting, and shall be included into the meeting record.

2. Unsolicited communications received by staff and addressed to the Council as a whole concerning matters that are not on an agenda shall be forwarded to the council.

CHAPTER 3 – Meeting Time, Location and Frequency

- I. **Regular meetings.** The Council shall meet every first Tuesday evening of each month, with the exception of designated holidays and/or Council recesses.
 - A. Meetings shall begin at 7:00 p.m.
 - B. Meetings shall adjourn at 9:30 p.m., allowing incremental extensions upon a majority vote of the Council.

- II. **Special meetings.** Special meetings may be called by the Mayor, by request of four members of the Council, or by the City Manager.
 - A. Notice of the special meeting shall be given to all members of the Council and the City Manager via email.
 - B. Special meetings shall be noticed in accordance with Oregon’s public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.

- III. **Emergency meetings.** Emergency meetings may be called by the Mayor, by the request of four members of the Council, or by the City Manager.
 - A. Notice of the emergency meeting shall be given to all members of Council and the City Manager via telephone and email.
 - B. Emergency meetings are those meetings called with less than 24 hours’ notice and the Council shall identify why the meeting could not be delayed in order to allow 24 hours’ notice immediately after calling the meeting to order.
 - C. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.
 - D. Emergency meetings shall be noticed in accordance with Oregon’s public meetings law.

- IV. **Executive Sessions.** Executive sessions may be called by the Mayor, by the request of four members of Council, by the City Manager or by the City Attorney.
 - A. Only members of the Council and persons specifically invited by the Council shall be allowed to attend executive sessions.
 - B. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with

persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

- V. **Work Sessions.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.
 - A. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
 - B. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
 - C. Work sessions may be called by the presiding officer, by the request of three members of council, or by the City Manager.
 - D. The City Manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

- VI. **Holidays.** In the event a regular meeting falls on a holiday recognized by the City, the regular meeting for that week shall be cancelled.

- VII. **Location.** Council meetings shall be held in the Community Room located at Sherwood City Hall.
 - A. In the event that the Community Room at City Hall is not available for a meeting, or is not suitable for a particular meeting as determined by the City Manager, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.
 - B. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
 - C. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings shall be located within the jurisdictional boundaries of one of the participating government entities.

- VIII. **Notice.** The City Recorder shall provide notice of all meetings in accordance with Oregon's public meeting law.

- IX. **Attendance.** Members of the Council shall advise the City Manager if they will be unable to attend any meetings. Vacancies for City Councilor positions are defined under Section 31 of the City charter.

CHAPTER 4 – Motions, Debate, Public Comment and Voting

- I. **Motions.** All motions shall be distinctly worded.
 - A. The following rules shall apply to motions:
 1. If a motion does not receive a second, it dies.
 2. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
 3. Any motion shall be reduced to writing if requested by a member of the Council.
 4. A motion to amend can be made to a motion that is on the floor and has been seconded.
 5. No new motion shall be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the question;
 - c. To postpone;
 - d. To refer; or
 - e. To amend.
 6. A motion may be withdrawn by the mover at any time without the consent of the Council.
 7. Amendments are voted on first, then the main motion is voted on as amended.
 8. A member of the Council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
 9. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
 - a. A call for the question is not permitted until all councilors have been given the floor and at least one full opportunity to speak on the main motion.
 - b. A call for the question fails without a majority vote.
 - c. Debate on the main subject resumes if the motion fails.
 10. A motion that receives a tie vote fails.
 11. The presiding officer shall repeat the motion prior to a vote.

12. A motion to adjourn cannot be amended.
- B. **Motion to Reconsider.** A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion. In the case of a tie vote, neither side is the prevailing side, and a motion to reconsider is therefore not permitted.
 1. No motion, once decided, shall be made more than once in the same meeting.
 2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.
- II. Debate.** The following rules shall govern the debate of any item being discussed by the Council:
- A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
 - B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
 - C. The member of the Council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.

CHAPTER 5 – Minutes

- I. Generally.**
 - A. All minutes shall be in written form, with an electronic copy maintained by the City Recorder in accordance with the appropriate record retention schedule.
 - B. The minutes shall contain the following information:
 1. The date, time and place of the meeting;
 2. The members present;
 3. The motions, resolutions, orders, ordinances, and measures proposed and their disposition;
 4. The results of all votes and the vote of each member by name;
 5. The substance of any discussion on any matter; and
 6. A reference to any document discussed at the meeting.
- II. Approval.** The Council shall approve all meeting minutes.
 - A. All minutes shall be approved within ninety days of the meeting having occurred, or at the next available meeting thereafter.

- B. The draft minutes shall be submitted to the Council as part of the Council's packet prior to the meeting where they will be considered.
- C. Any member of the Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

CHAPTER 6 – Appointments

I. Appointments of Members to Boards, Commissions and/or Committees.

A. Boards and Commissions Appointments

1. The Mayor, in consultation with the applicable Council liaison, will make a recommendation to Council regarding appointments to City commissions, boards and committees, including ad-hoc committees (hereinafter "committees"). All such appointments are subject to confirmation by the City Council.
2. A citizen may not serve on more than one City committee simultaneously without approval of the City Council. A citizen serving on two City committees may not be the chairperson of both City committees simultaneously.
3. The Mayor or any four members of Council may remove a citizen from a City committee prior to the expiration of the term of office subject to the consent of the City Council.
4. Council members shall encourage City committee member participation.

B. Councilor Liaisons

1. The Mayor, in collaboration with Council members, will appoint Councilors to liaison positions to City committees, as the Mayor deems necessary, and subject to the consent of the City Council. The Mayor will consider Council liaison appointments in January of every year or at the Council's annual Goal Setting sessions.
2. The Mayor, in collaboration with council members, will appoint Councilors as liaisons to all non-City commissions, boards and committees as the Mayor deems necessary, subject to the consent of the City Council by resolution.
3. The role of the liaison member is to convey information from the Council to the commission or committee and from the commission or committee to the Council. The member is not to provide direction to the commission or committee, but rather to encourage work plans and recommendations for Council approval.
4. Council members as liaisons will not vote on any issue before the committee.

CHAPTER 7 – Ethics, Decorum, Outside Statements

- I. Ethics.** All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Council shall refrain from:
 - A. Disclosing confidential information.
 - B. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
 - C. Expressing an opinion contrary to the official position of the Council without so saying.
 - D. Conducting themselves in a manner so as to bring discredit upon the government of the City.

- II. Decorum.**
 - A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal to the full Council.
 - B. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
 - C. Members of the City staff and all other persons attending meetings shall observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.

- III. Statements to the Media and Other Organizations**
 - A. **Representing City.** If a member of the Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the City, as approved by a majority of the Council.
 - B. **Personal Opinions.** If a member of the Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement.

CHAPTER 8 – Interactions with Staff & City Attorney

- I. Staff.** All members of the Council shall respect the separation between the Council's role and the City's Manager's responsibility by:
- A. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
 - B. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
 - C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.
 1. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
 2. Members of the Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.
- II. City Attorney.** Council members may make requests to the City Attorney for advice related to City business, so long as the request does not require more than two hours per month of the attorney's time. A Councilor may make a request that exceeds two hours per month of attorney time with the concurrence of the majority of the Council.

CHAPTER 9 – Training, Expenses, and Reimbursement

- I. Training.** The Council is encouraged to attend training sessions throughout the year in order to gain knowledge and understanding of their roles as local elected officials in Oregon. These sessions are largely provided through the League of Oregon Cities, Oregon Association of Mayors, and other similar organizations.
- A. Requests to attend training should be coordinated through the City Manager. The City Manager's office shall make all necessary arrangements for any training (e.g. registration, accommodations, etc.)
 - B. The training budget for City Council will be prepared each year by the City Manager and approved by City Council through the annual budget adoption process.

- II. Expenses.** City Councilors will follow the same rules and procedures for expense reimbursement as apply to City employees, as set forth in the policy manual.
- A. Councilor expenditures for non-routine reimbursable expenses in excess of \$500 will require advance Council approval. Routine reimbursable expenses are defined as conference registrations, meeting attendance, mileage, and other similar expenses.
 - B. The City Manager shall provide a monthly report to the City Council of all expenses related to City Councilors.

CHAPTER 10 – Censure and Removal

- I. The Council may enforce these rules and ensure compliance with City ordinances, charter and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, the City charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.
- II. The Council may investigate the actions of any member of Council 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 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).

CHAPTER 11 – City Council Preparation

- I. Councilmembers avoid surprising their colleagues or staff. To the maximum extent possible, Councilmembers advise the City Manager in advance of issues or questions they intend to bring up at a public meeting. This refers to issues and questions that the staff would normally anticipate or have researched for that particular meeting. Getting minor questions resolved with staff prior to a public meeting will shorten meetings and move the agenda forward in a timely manner.
- II. Councilmembers should be prepared for Council or Committee meetings, which includes having read all agendas and supporting documentation prior to a meeting.
- III. Councilmembers should stay abreast of regional issues affecting neighboring cities, counties, and the operations of other districts or agencies.

CHAPTER 12 – Public Meetings

- I.** Recusal/Conflict of Interest – Any Councilmember who desires to recuse himself or herself for conflict of interest or any other reason shall do so as soon as the item is called and shall leave the Council Chambers until the item is concluded.
- II.** Any Councilmember may request a continuance of an item on the agenda if that Councilmember needs more time to become fully informed and able to render a decision. However, a continuance need not be granted if a majority of the Council deems it necessary to render a decision at the agendized time.
- III.** If any Councilmember becomes aware of an unexpected issue that may be brought up by a member of the public at a Council, commission or committee meeting, that Councilmember will, as a courtesy, inform the other Councilmembers and the City Manager to the extent legally possible.
- IV.** Councilmembers are expected to attempt to persuade their colleagues to their point of view through reasoned debate, but also to accept the Council's ultimate decision graciously and as final. Councilmembers should not place the City Manager or staff in the position of having to deal with minority positions which do not further established Council policy.
- V.** The Mayor controls the meeting, and discourages personal attacks of any kind from speakers by encouraging them instead to productively address the issues at hand.
- VI.** The Council listens carefully to the speakers and does not interrupt or engage in debate with speakers. The three-minute period belongs to the speaker.
- VII.** Councilmembers make the reasons for their votes clear to their colleagues and to the public. This is particularly important when the Council is divided on an issue.
- VIII.** Direction to staff must be determined by a majority of the Council and must be clearly identified at the Council meeting. Tacit approval, or lack of disagreement by others, is not considered direction. The Mayor should ensure that the direction staff receives is clear and represents the majority view of the Council.

CHAPTER 13 – Council Interaction and Communication

- I.** Councilmembers treat each other with the respect and courtesy that is their due as residents and public officials.
- II.** Each Councilmember has the responsibility to initiate action to resolve problems cooperatively and as soon as possible, either directly with other Councilmembers or with the City Manager.

- III. Councilmembers shall not engage in private discussions in violation of Oregon laws related to serial meetings. Councilmembers who feel that a conversation is potentially a violation should express his or her concern immediately and withdraw from the conversation. Councilmembers are expected to honor such concerns and immediately cease the conversation even if they do not agree.
- IV. Personal attacks are always off-limits. Councilmembers start with the assumption that other members have the best interests of the City at heart, even if they disagree with their positions.
- V. Councilmembers should avoid expressions, comments, or opinions of City fault responsibility or liability in any matters involving property damage, personal injury or alleged breach of contract or alleged violation of law.
- VI. These protocols do not, by themselves, carry the weight of law. Councilmembers are expected to abide by them out of a desire to have a well-run City that treats its residents respectfully and with dignity. A governing body that strives to be fair, informed, honest, diligent, dignified, efficient and respectful of others will win the respect and trust of residents.
- VII. If any Councilmember feels that a protocol is being violated, it is appropriate for that member to discuss it individually with the errant Councilmember. If the City Manager or staff are involved, it is appropriate to discuss it with the City Manager. If this does not resolve the situation, it is appropriate, as a last resort, to bring up the matter within the Future Agenda Item period of a public meeting and ask for the issue to be put on a future agenda.
- VIII. A principal purpose of the protocols is to establish or uphold procedures and behavior that win the trust of the public by promoting efficient, productive and civil interaction between Councilmembers. Any Councilmember who habitually ignores these protocols should expect to be called to task by his or her fellow Councilmembers and by the public.

CHAPTER 12 – Amendment and Repeal

- IX. **Amendment.** These rules of procedure are subject to amendment by the Council in accordance with the rules noted herein.
 - A. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
 - B. All amendments to these rules requires a majority vote.
 - C. Amended rules shall not go into effect until the meeting after the rule was approved.

- X. Repeal.** These rules of procedure are subject to repeal and replacement by the Council in accordance with the rules noted herein.
- A. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
 - B. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
 - C. Any repeal and replacement of these rules requires a majority vote.
 - A. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.