



## ORDINANCE NO. 2019-719

### AN ORDINANCE ADOPTING THE AMENDED RULES AND PROCEDURES OF THE CARLTON CITY COUNCIL AND REPEALING ORDINANCE NO. 2005-637.

**WHEREAS**, the city charter of the City of Carlton specifies under Chapter IV, Section 14, that the council shall adopt rules for the government of its members and proceedings; and,

**WHEREAS**, the City of Carlton established certain rules and procedures for how city council meetings are run under Chapter 2.05 of the Carlton Municipal Code with the adoption of Ordinance No. 2005-637 on October 11, 2005; and,

**WHEREAS**, the rules and procedures of the city council are further governed by the Oregon public records and meetings laws; and,

**WHEREAS**, the City Council reviewed the council rules and procedures on October 2, 2018 and determined that revisions were desired.

#### THE CITY OF CARLTON ORDAINS AS FOLLOWS:

1. City of Carlton Municipal Code Chapter 2.05 is hereby amended in its entirety to read as follows:

#### **"Chapter 2.05 - COUNCIL RULES AND PROCEDURES**

##### **Sections:**

- 2.05.010 - Statements of intent.
- 2.05.020 - Regular monthly council meeting date.
- 2.05.030 - Work sessions.
- 2.05.040 - Special meetings.
- 2.05.050 - Continuance of meeting.
- 2.05.060 - Quorum.
- 2.05.070 - Public notice required for meetings.
- 2.05.080 - Written minutes required.
- 2.05.090 - Agenda.
- 2.05.100 - Regular or special meetings to be public.
- 2.05.110 - Executive sessions permitted on certain matters.
- 2.05.120 - Presiding officer at council meetings.
- 2.05.130 - Order of business of council.
- 2.05.140 - Consent agenda.
- 2.05.150 - Council debate.
- 2.05.160 - Addressing the council.
- 2.05.170 - Voting by council.
- 2.05.180 - Conflicts of interest—Bias—Ex-parte contact.
- 2.05.185 - Definitions.
- 2.05.190 - Council-administration relations.

- 2.05.200 - Boards and committees.
- 2.05.210 - Appointments to boards and committees.
- 2.05.220 - Maintenance of order and decorum of council meetings.
- 2.05.230 - Orientation of new council members.
- 2.05.240 - Council member communications,
- 2.05.250 - Evaluation of council appointive officers.
- 2.05.260 - Employees attendance at meetings.
- 2.05.270 - Confidentiality.

#### **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.

#### **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.

#### **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.

#### **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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

#### **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

#### **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.

#### **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.

**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 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.

**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.

**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.

**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.

**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.

#### **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.

#### **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.

#### **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.

#### **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.

**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.

**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.

**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.

**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."

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- 2. This ordinance shall be in full force and effect upon the thirtieth (30<sup>th</sup>) day after its passage by the Council and approval by the Mayor and therefore repeals and replaces Ordinance No. 2005-637 adopted on October 11, 2005.

**ADOPTED** by the City Council on January 8, 2019, by the following votes:

**AYES:** 7 [ RHOADS, WILDER, RICH, WARD-MULLEN, CARL, WATKINS, RAKE ]

**NAYES:** 0

**ABSENT:** 0

**ABSTAIN:** 0

**APPROVED** and signed by the Mayor on January 8, 2019.



Brian Rake, Mayor

**ATTEST:**   
Jennifer L. Nelson, City Recorder