

RESOLUTION NO. 322

CITY OF DEPOE BAY

A RESOLUTION APPROVING AND ADOPTING AMENDED RULES AND PROCEDURES OF COUNCIL, REPEALING AND REPLACING RESOLUTION NO. 305 IN ITS ENTIRETY

WHEREAS, Chapter IV., Section 13 of the City Charter of the City of Depoe Bay states " The Council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. " ; and

WHEREAS, the Council has the inherent right to make and enforce rules to ensure compliance with laws generally applicable to public bodies; and

WHEREAS, the Council has determined that a document providing written rules and procedures of council would be beneficial for current and future council members; and

WHEREAS, the Council did adopt written rules and procedures on December 18, 2001 (Resolution No. 305); and

WHEREAS, the Council has conducted a review of the City Council Rules in a special meeting held on March 25, 2003 and has determined certain portions of the rules should be revised;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Depoe Bay does hereby approve and adopt the attached CITY COUNCIL RULES, by this reference incorporated herein. It is further resolved that the Council should conduct a review of the City Council Rules in each odd numbered year to enable consideration of any revisions which may be found necessary.

This Resolution passed and adopted by the City Council of the City of Depoe Bay this

2nd day of July, 2003.

CITY OF DEPOE BAY

Bruce R. Silver
Mayor Bruce Silver

Attest: Pat Murray
City Recorder

CITY COUNCIL RULES

PURPOSE: To provide basic City Council procedural rules that are important to preserve and implement effective City government.

1. MEETING SCHEDULES.

- a. Regular City Council Meetings. The Council shall meet at 7:00 p.m. on the first and third Tuesdays of each month in the City Hall Council Chambers or at any place that the Council may direct. On recognized City holidays which fall on Tuesdays, the Council shall determine date, time and place of that meeting.
- b. Special City Council Meetings. The Mayor, or in the Mayor's absence, the President of the Council may call a special meeting of the Council. Three Councilors may also call a special meeting by filing a request with the City Recorder. Notice of a special meeting shall be given to each member of the Council at least 24 hours in advance of the meeting. Notice may be given in writing, in person, by telephone or by electronic communication. No business other than that for which a special meeting is called can be transacted at a special meeting.
- c. Executive Sessions. An executive session (a meeting closed to the public) may be held in accordance with the Oregon Public Meetings Law. The Presiding Officer may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. Executive sessions may also be separately scheduled pursuant to the requirements for special meetings.
 - i. Attendance at Executive Sessions. The Presiding Officer shall determine which persons other than the Council shall attend an executive session.
 - ii. Media Attendance. Representatives of the news media shall be allowed to attend executive sessions except those called pursuant to ORS 192.660(1)(d) (deliberations with persons designated to carry on labor negotiations). The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session.
 - iii. Final Decision Prohibited. No final decision shall be made in executive session. To make a final decision, the Presiding Officer shall either call the meeting into open session or place the decision on the agenda of a future open session.
- d. Workshop Meetings. Workshop meetings may be scheduled as necessary by consensus of the Council. Workshop meetings are informal sessions to review upcoming issues, receive special reports, conduct goal setting sessions and for special training purposes.

2. MEETING PROCEDURES.

a. Robert's Rules of Order. *

- i. Robert's Rules of Order Newly Revised, Tenth Edition, shall be used as the guideline for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's Rules shall be necessary and approved by the Council.
- ii. The City Council agrees to be clear and simple in its procedures and considerations of decisions before it. The Council shall avoid invoking the finer points of parliamentary rules to obscure issues and arouse audience suspicion at public meetings and for citizens of the City.
- iii. Responsibility of Chair: When councilor(s) take issue with an action of the Presiding Officer and wish to present a challenge Robert's Rules of Order Newly Revised 10th Edition page 642, lines 10 through 25 will specifically apply in all relevant situations.

b. Presiding Officer. The Mayor, or in the absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. In the case of the absence of the Mayor and the Council President, the City Recorder shall call the meeting to order and the Council shall elect a Presiding Officer by majority vote. The Presiding Officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council subject to these rules. The Presiding Officer may debate and vote on any issue.

c. Quorum Requirements. The Presiding Officer shall call the meeting to order at the time designated for a scheduled meeting. Except to adjourn, a quorum is necessary to conduct business at any meeting of the City Council. Quorum is defined by charter as a majority of incumbent members of the Council.

d. Order of Business. The order of business at Council meetings shall be as follows:

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| i. Pledge of Allegiance | vii. New Business |
| ii. Call Meeting to Order and Establish a Quorum | viii. Correspondence |
| iii. Approve Minutes | ix. Liaison Officer's Reports |
| iv. Accounts Payable | x. City Staff Reports |
| v. Public Input | xi. Council Comments |
| vi. Unfinished Business | xii. Adjourn |

The Mayor or Presiding Officer has authority to adjust the agenda items and order of business.

e. Public Hearings. The Presiding Officer shall announce prior to each public hearing the nature of the matter to be heard as it is set forth on the agenda. The public hearing procedure shall be followed as set forth in Appendix A. The Presiding Officer may, with the approval of Council, limit the time and number of speakers at each public hearing. In such event, the Presiding Officer shall announce such restriction prior to beginning of the hearing.

- *for Decorum in Debate Practices see attached memorandum (A.Brown 3/03/03)*

f. Voting Procedures.

- i. General. The vote on every motion shall be taken by staggered rotation roll call and entered in the meeting minutes. Any other questions before Council shall not require a recorded vote unless requested by any Council member. A member's explanation of their vote shall not be in order during a roll call.
- ii. Duty to Vote. Except as otherwise provided by law, every member when a question is taken shall vote, unless a majority of the Council for special reason excuses the member. Any Councilor shall withdraw themselves from the item being voted on should there exist a direct pecuniary interest in the matter. If a member is not ready to vote, the member may request additional time to consider their response and the Council may wait.
- iii. Reconsideration of Actions Taken. Any Councilor 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 at the same meeting, no motion for further reconsideration shall be made without unanimous consent of the Council.
- iv. Absentee Voting. The right to vote is limited to those present at the time of the vote. (Robert's Rules of Order, page 408)

g. Rules of Order.

- i. Councilor Presentations. Every Councilor desiring to speak shall gain the attention of the Presiding Officer by raising his/her hand and, upon recognition by the Presiding Officer, shall confine their remarks to the question under debate (except under agenda item "Council Comments"). No member shall speak more than once on the same subject until all members who wish to speak have had the opportunity to do so. Agenda item "Council Comments" is the time for Council members to offer a topic for consideration for a future Council agenda or a news item that is outside the Councilor's liaison responsibilities. Members should state their concern up front, followed by a brief explanation of why the Council may want to consider the topic at a future meeting. Members should avoid lengthy commentaries and avoid personalizing or directing comments towards any individual or defined group.
- ii. Questioning of Staff. Councilors desiring to question the administrative staff may direct the inquiry to the Presiding Officer or to the person designated by the Presiding Officer to answer the inquiry during the Council meeting.
- iii. Administrative Staff, City Employees Addressing Council. City administrative staff and other City employees desiring to address the Council shall first be recognized by the Presiding Officer and shall address such remarks to the Presiding Officer. The staff shall respond to questions or comments by the Council or members of the public with permission of the Presiding Officer, and shall do so in a polite, tactful manner.

iv. Citizen Question or Discussion.

- (1) No person shall enter into any discussion without being recognized by the Presiding Officer. Any citizen desiring to address the Council should come to the designated location to address the Council and be recognized by the Presiding Officer. After being recognized by the Presiding Officer, the person shall state their name and address for the record and their remarks shall be limited to the question under discussion or agenda items.
- (2) Agenda item "Public Input" provides the opportunity for any member of the public to speak on any topic that is not on the meeting agenda. There will be an opportunity to speak on agenda items as the items are announced. Audience members will be recognized by a show of hand, and will come forward to the podium, stating name and address for the record. Audience members are asked to address their comments to the Presiding Officer, avoid personalizing or directing comments to any one or more individuals, try to be succinct and avoid lengthy commentary. (Council guideline for time limit is five (5) minutes, see section 3 below). The Presiding Officer will not allow any response from Council members, except a question may be asked through the Presiding Officer, for clarification only.
- (3) Any citizen addressing the Council shall be limited to five minutes unless further time is granted by the Presiding Officer. No citizen shall be allowed to speak more than once upon any one subject until every other citizen choosing to speak has had an opportunity.
- (4) After a motion has been made, no citizen shall address the Council without first securing permission from the majority of the council.

v. Decorum of Meeting.

- (1) Improper Conduct. The following items are not condoned by the City Council and may be cause for the Presiding Officer to have the person(s) removed from the Council Chambers:
 - (a) Using or making of loud or disruptive language, noise or conduct which obstructs the work or the conducting of the business of the Council.
 - (b) Engaging in violent or distracting action.
 - (c) Willful injury of furnishings or of the interior of the Council Chambers or other meeting place.
 - (d) Refusal to obey any rules of conduct, including the limitations on occupancy and seating capacity.
 - (e) Refusal to obey an order of the Presiding Officer or an order issued by a Councilor which has been approved by a majority of the Councilors present.

- (2) Removal Action. The Presiding Officer shall warn any person(s) whose conduct is described above before taking action to have such person(s) removed.
- (3) Vacating Council Chambers. If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Councilors present may call for a recess until order is restored.
- (4) Picture Taking and Filming. Filming in the Council Chambers or other meeting places shall be allowed when permitted by the Presiding Officer.
- (5) Parliamentarian. The Parliamentarian shall be designated by the Presiding Officer. It is the Parliamentarian's duty to assist the Presiding Officer to maintain the order and decorum at all meetings.

h. Seating Capacity And Safety Requirements.

- i. The safe occupancy and seating capacity of the Council Chambers, as determined by the Fire Chief, shall be posted within the Council Chambers. The limitations on occupancy and seating capacity so determined and posted shall be complied with at all times.
 - ii. Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the chambers, and should not move forward of the seating areas unless wishing to address and be recognized by the Presiding Officer.
- i. Flags, Signs and Posters. No flags, posters, placards, or signs, unless authorized by the Presiding Officer, may be carried or placed within the Council Chambers, any other meeting place, or in any meeting place where a public hearing is being held. This restriction shall not apply to arm bands, emblems, badges or other articles worn on personal clothing of individuals, provided that such devices are of such a size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not extend from the body in a manner likely to cause injury to another.
- j. News Media.
 - i. The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Accommodations shall be made where practical for members of the press at Council meetings so that they may observe and hear proceedings clearly. The terms "news media" "press" and "Representative of the press" for the purpose of these rules are interchangeable and mean someone who:
 - (1) Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and
 - (2) Regularly reports on the activities of government or the governing body.
 - ii. Final decisions on the qualifications of an individual as a representative of the news media shall rest with the Council.

3. FILLING VACANCIES. Any vacancy occurring on the Council, Budget Committee, Planning Commission, or other city commissions or committees shall be filled as follows:
- a. Advisory Commissions or Committees.
- i. When vacancies occur in one of the City commissions or committees, the City Recorder shall inform the news media of the vacancies and invite all interested, qualified candidates to file an application form supplied by the City (see appendix B). The Council may establish a closing date when applications must be filed with the City Recorder.
 - ii. Candidates for appointment to City commissions or committees shall be interviewed by the Council as soon as practical after the closing date for applications. Interviews shall be scheduled at a Council meeting and the Council shall make its selection to fill the vacancy during the same meeting. When there is more than one applicant for a single position, and not all applicants are available for interview at the same meeting, the Council shall make its selection at the next regularly scheduled Council meeting after all interviews have been conducted. In making the selection, each Councilor shall vote by identified written ballot for one person from the nominees. The majority of votes cast will select the candidate to fill the office. In the event that no candidate receives a majority of votes cast, the voting will continue until there is a majority. In the event of three non-conclusive rounds of voting without a candidate receiving a majority of votes cast, the Council may either continue with the voting or reopen the process.
- b. City Council.
- i. When a Council position becomes vacant, the City Recorder shall inform the news media of the vacancy and invite applications to be filed by all interested, qualified candidates. City Council candidates shall be required to fill out a City application form (see Appendix B) and file a resume setting forth their background and a statement of reasons why they desire to be considered for appointment to fill the vacancy. The Council shall establish a date when all applications must be filed with the City Recorder. The filing of an application from any person eligible for Council shall be considered as placing that person for consideration.
 - ii. After the filing date for a vacated Council position, the Council shall direct the City Recorder to set a time for interviews with the candidates.
 - iii. When the Council is satisfied that it has concluded the process of reviewing the qualification of nominees, the Mayor shall declare the nominations closed. Interviews shall take place with all eligible candidates and selection shall be determined by a process in which each Councilor votes by identified written ballot for one person from the nominees. The majority of votes cast will select the candidate to fill the office. In the event that no candidate receives a majority of votes cast, the voting will continue until there is a majority. In the event of three non-conclusive rounds of voting without a candidate receiving a majority of votes cast, the Council may either continue with the voting or reopen the process.

4. GUIDELINES AND PROCEDURES FOR CITY COUNCILORS. In support of guidelines and procedures, the Councilor's Reference Manual is available.
- a. Agenda Items. Any councilor may have an item placed on the Council agenda.
- i. Any Councilor may request, if responsible for an agenda item, postponement of the item to another meeting if the Councilor cannot be present at the meeting at which time the item is scheduled.
 - ii. Any two Councilors can request that an item be postponed to the following meeting. Further postponement requires a majority vote of the Councilors present.
- b. General.
- i. Any Councilor may attend any meeting at which the Council is represented, but only the designated Councilor has the right to vote at meetings where vote is permissible. If the designate can not attend, a proxy may be allowed for the attendance of another Councilor.
 - ii. The Mayor's title should be used when appropriate during meetings and functions.
 - iii. A Councilor should only speak for himself/herself and not for other Councilors, unless authorized to do so by the Council.
 - iv. Councilors should avoid personalizing issues; therefore, discussion should be issue-oriented.
 - v. Councilors should not create or infer a change in City policy before, during or after consideration of a particular issue unless the specific issue has been established as policy by vote of the Council.
 - vi. During public meetings, Councilors should not attempt to edit or rewrite existing ordinances because of the potential impact on other issues. If changes are necessary, amendments to an ordinance shall be prepared and reintroduced.
- c. Conflict of Interest. Generally, conflicts of interest arise in situations where a Councilor, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the councilor, a relative or a business with which the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Councilor must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.
- d. Legal Advice. Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with the majority approval of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Recorder to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Recorder. Exceptions to this are issues related to the performance of the City Recorder and unique and sensitive personnel that involve city business-related requests. The City Attorney shall in either case provide any written response to the full Council and City Recorder.

- e. Communication with Staff Councilors shall respect the separation between policy making and administration by :
- i. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.
 - ii. Not attempting to influence or coerce the City Recorder or department head concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications or the granting of City licenses and permits.
 - iii. Addressing all formal inquiries and requests for information from staff to the City Recorder or City Attorney and allowing sufficient time for response. All written information given by the City Recorder or his/her designee to one Councilor should be distributed to all Councilors.
 - iv. Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.
 - v. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of Council members. All written informational material requested by individual Councilors will be submitted by staff to the entire Council with a notation indicating which Councilor requested the information.
- f. Confidentiality Councilors will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, City Staff or City Attorney.
- i. If the Council in executive session provides direction or consensus to city staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
 - ii. All public statements, information, or press releases relating to a confidential matter will be handled by staff designated by majority of the Council.
 - iii. The Council, by vote, may reprimand a member who discloses a confidential matter, or take any other appropriate legal action.
- g. Expenses and Reimbursement Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, as established by City policy. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) must require advance Council approval according to the purchasing rules which apply citywide.
- i. A Councilor who will be traveling on City business may make his or her own reservations for travel and lodging in accordance with City policy. Upon request to the City Recorder, travel accommodations for Councilors will be made by City Staff.
 - ii. The City does not reimburse Councilors for expenses incurred by their spouses. (Government Standards and Practices Commission Advisory Opinion 93A-1007)