RESOLUTION 05-2014

A RESOLUTION OF THE CITY COUNCIL OF FALLS CITY, OREGON AMENDING AND RESTATING THE COUNCIL RULES.

Findings:

1. The Council has determined that is in the best interest of the Council and the citizens of Falls City to have minimum standards for the conduct of meetings and for the ethical conduct of the appointed and elected members of the City Council.

2. Section 20 of the Falls City Charter authorizes the City Council to adopt rules for the government of its members and its proceedings.

3. Ordinance 499 of the City of Falls City previously established Council rules and allowed for amendment of the rules by resolution.

NOW THEREFORE,

THE COMMON COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:

Section 1. Council Rules. The Council Rules attached as Exhibit A are adopted by the Falls City Council Council as permitted by the Falls City Charter.

Section 2. All prior City Council Rules are repealed as of the Effective Date of this resolution. The repeal of Ordinance 499 by Ordinance 536-2014 shall not impair or repeal the rules as amended and restated by this Resolution pursuant to Section 20 of the Falls City Charter.

Section 2. Effective Date. The Council Rules as amended and restated by this Resolution shall become effective immediately upon passage.

Introduced and adopted May 8, 2014:

5/8/14
Date

Amy Houghtaling, Mayor

Attest:

5/8/14
Date

Amber Mathiesen,
City Administrator/Recorder

RULES OF THE CITY COUNCIL
CITY OF FALLS CITY, OREGON

COUNCIL PROCEDURES

Types of Meetings:

1) Regular Meetings: The Council shall hold a regular meeting at least once each month at a time and place in the city which it designates. When the regular meeting date of the Council falls on the legal holiday, as defined by State Statute the Council shall conduct that regular meeting on the next following Monday at the same time and place or on such other day, time and place as the Council shall determine at a prior meeting, in either case, notice of the change shall be provided to the public.
2) Executive Sessions: The Council may hold closed meetings (executive sessions) pursuant to State Statute during regular or special meetings. A motion or notice calling for an executive session shall identify the specific statutory authorization Media representatives will be allowed to attend executive sessions, but the Council may request that certain information shall not be disclosed. Final action on any matter discussed in executive session must be taken at an open meeting.
3) Special Meetings: Any Council meeting other than the Regular council meeting which has been called for the purpose of conducting official action or studying an issue is a special city council meeting. Notice shall be given at least 24 hours prior to the meeting as required by City Charter. A Special Council meeting may be called at any time on request of three members of the Council, by the Mayor, or by the President of the Council or other Councilor when acting as Mayor under the terms of the Charter, by giving notice of the meeting to the Council members and the public.
4) Emergency meetings: A special meeting called without 24 hours' notice is an Emergency Meeting. An Emergency Meeting may be called when dictated by events over which the Council had no control or advance knowledge of. The meeting shall be limited to discussion and action regarding the emergency. The notice for an emergency meeting shall be provided as soon as possible after becoming aware of the emergency and the need for the meeting. Requirements for calling an emergency meeting shall be the same as for a special meeting. The minutes shall indicate the reason for the emergency.
5) Work Sessions: Work sessions of the Council shall be held in accordance with State Statutes for the purpose of studying an issue(s) and such session shall be called by either the Mayor, City Administrator or three Council members. Work Sessions are a form of special meeting and the Council may take action at such sessions.

Order of Business and Agenda

1) Order of Business. The order of business at each Council meeting shall be in accordance with the agenda prepared by the City Administrator, and with notice provided in accordance with state law.
2) Agendas. City staff shall prepare an agenda for every regular, and if requested, for every special Council, meeting. Agendas and informational material for regular meetings shall be distributed as least two days prior to the meeting.
    a. The mayor and any member of the Council may place an item on the agenda for action or report and may submit written materials relating to such item, to be distributed with the agenda by submitting such items and materials in writing to the City Administrator at least 15 days prior to the Council meeting at which the matter is to be considered.

b. Any other person may request an item be placed on the regular meeting agenda by presenting such items in writing to the City Administrator's office at least 15 days prior to the Council meeting at which the matter is to be considered. Upon approval by the Mayor, the City administrator or any member of the Council the item shall be placed on the agenda for consideration.

3) Items to be acted on Generally. Normally, the Council shall act only upon those items on the agenda. Matters deemed to be emergencies or of an urgent nature by a majority of the council may be submitted for Council consideration and action under Adoption of Agenda.
4) New Business. The Mayor, City Administrator or a Council member may bring before the Council any new business under the New Business portion of the agenda. These matters need not be specifically listed on the agenda, but formal action on such matters shall be deferred until a subsequent Council meeting, unless deemed urgent under (3) above.
5) Public Comment
   a) Policy. The Council recognizes that public input into the local government process plays a critical role in the council's decision-making process. All citizens shall have the right to speak before the Council on matters of city concerns but with this right is the responsibility to not abuse this right. Therefore the council welcomes all public input but expects speakers to treat the council, city staff and fellow citizens with respect and dignity.
   b) Public Comment Generally. Any member of the public wishing to address the Council on a matter on the agenda or of general public concern may do so at the time set in the agenda for public comments. Any member so addressing the Council shall be limited to a period of five minutes within which to make them heard. The majority of the Council, in its sole discretion, may extend this time, or may request further information be presented to the Council on such date and in such manner, as it deems appropriate.
   c) Persons Sharing Common Concerns. If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the time for public comment, the group should select a spokesperson, which shall present the views of the group to the Council. The majority of the Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letter, videotapes, etc., may be presented to the Council for consideration at the conclusion of the spokesperson's remarks.
   d) Complaints and suggestions to the Council. When any citizen brings a complaint or suggestion before the Council other than for items already on the agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature. If it is legislative, i.e., a complaint about the letter or intent of legislative acts or a suggestion for changes to such acts, and if the Council finds such complaint or suggestion may call for a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, a committee or the City Administrator for study and recommendation.

      If the matter is administrative in nature, i.e., a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or a complaint or suggestion regarding administrative policy within the authority of the City Administrator, the Presiding Officer shall then refer the complaint or suggestion directly to the City Administrator for his or her review if the matter has not already been reviewed. The City Administrator shall report to the Council when his or her review has been made.
   e) Recognition to speak outside the designated public comment period. Any public member desiring to address the Council outside the period designated in the agenda for public comment must first be recognized by the presiding officer. After recognition, the

person's name and city of residence (or county of residence if the person is not a resident of a city) shall be stated for the record and the remarks shall be limited to the question under discussion.

f) Address the Presiding Officer. All remarks and questions shall be addressed to the presiding officer and not to any individual Council member, staff member or other person without the permission of the presiding officer. No person shall enter into any discussion without being recognized by the presiding officer.

g) Respectful of time allotment. Any public member addressing the Council outside the designated public comment period shall be limited to three (3) minutes unless the presiding officer grants further time. 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.

h) After a motion has been made or after a public hearing has been closed, no public member shall address the Council without first securing permission from the majority of the Council.

i) The provisions in this section governing public comment shall not apply to a matter that is the subject of a quasi-judicial hearing. In the case of a quasi-judicial hearing, public comment on the subject of the hearing will be allowed only during the hearing, subject to the rules of the hearing.

Consent Agenda

1) Agenda items to be included within the consent Agenda portion of the Council's Order of Business shall be routine matters of limited public interest including such matters as licenses, permits, minor agreements, written committee reports, authorizations to bid, award of bids, payment of bills and approval of minutes. Matters that may not be included in the Consent Agenda are ordinances, resolutions, public hearings, major bid awards and agreements of interest to the public and those items for which interested persons are likely to appear and comment.
2) The Consent Agenda shall be subject to one combined vote of Council; provided, however, prior to such vote any Council member may request to have removed one or more Consent Agenda items to be considered individually during the regular agenda. Such items shall be considered at the end of New Business.
3) Copies of matters to be considered under the Consent Agenda shall be included in the agenda packet and made available to the public pursuant to Oregon's Public Meeting Law. Council members may question staff regarding such reports prior to voting on the Consent Agenda and without removing the items from the Agenda.

Voting Generally

1) All members of the governing body will be accounted for during roll call, the arrival of, the departure of, and the decision by motion conducted by the city council when in session.
2) A roll call vote shall be used for all ordinances and resolutions. Any other question before the Council shall not require a roll call vote unless requested by any member of the Council. It shall not be in order for members to explain their vote during roll call. Any member may change his or her vote prior to the next order of business.
3) Where not otherwise controlled by Charter provision, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.
4) Reconsideration of Actions Taken. 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.

Ordinances

1) Upon the final vote on an ordinance, the ayes and nays of the Council members shall be

taken and entered in the record of proceedings.

Resolutions

1) Every Resolution shall, before being passed, be read in open Council meeting. The reading of a Resolution may be by title only if no Council member present at the meeting requests that the Resolution be read in full, provided that a written copy of the Resolution is provided for each Council member and written copies are provided for public inspection in the Council Chambers at the time of its consideration.
2) Upon final vote on a Resolution, the ayes and nays of the Council members shall be taken and entered in the record of proceedings.
3) Upon enactment of a Resolution, the Recorder shall sign it with the date of its passage and within three (3) days, the Mayor or President of the Council when acting as Mayor under the terms of the Charter shall sign it. The Mayor shall have no power to veto a Resolution.
4) A Resolution enacted by the Council shall take effect immediately unless the Resolution prescribes a different effective date.

The Presiding Officer.

1) The Mayor. The Mayor shall preside at all regular and special meetings and executive sessions of the Council and in addition, shall be the recognized head of the City for all ceremonial purposes. The duties of the Mayor are outlined in the City Charter.
2) Council President. At the first meeting in January following a general election, the Council shall elect a president from its membership. The President of the Council may act as Mayor when authorized under the terms of the Charter.
3) Temporary Chair. In event of the absence of the Mayor and Council President, if a quorum is present, those Council members present shall elect, by majority vote, a Temporary Chair for that meeting. Should the Mayor or Council President arrive, the Temporary Chair shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the Council.

Employee Duties

1) City Administrator. The City Administrator shall attend all meetings of the Council, unless excused by the City Council. He or she shall make recommendations to the Council and may take part in all discussions concerning the welfare of the City.
2) City Attorney. The City Attorney shall attend all regular meetings of the Council, unless excused by the City Council or Mayor. Any member of the Council or Mayor may at any time call upon the City Attorney for an informal oral opinion. Written opinions shall be required by a majority of the Council. The City Attorney shall be the Parliamentarian, pursuant to Roberts Rules of Order and shall advise the Presiding Officer on any questions of order.
3) Officers and Employees. Any member of the City Council may request that the City Administrator direct any employee to attend regular, special or executive city council meetings to confer with the Council on matters relating to the City.

Rules, Decorum and Order

1) Rules. The Presiding Officer shall generally follow Robert's Rules of Order, but may relax those rules as practicality and necessity require and as may be appropriate for a public meeting.
2) Presiding Officer. The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal to the Council.
3) Council Members. Council members shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules. Council members shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of

any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office. The following ground rules should be followed in order to maintain order and decorum during council discussions:

a) Honor and respect differences
b) Focus on issues, not personalities
c) Be brief and concise when presenting a point of view
d) Clarify issues before evaluating them
e) Be open, direct and honest during Council meetings
f) Avoid personalizing, attacking or labeling other Council members during meetings
g) Never speak in anger
h) Speak for oneself, not for other Council members
i) Establish a ten-minute limit on individual discussions
j) Avoid repetition as a way to convince others
k) Always be prepared at Council meetings, read the agenda, gather all necessary information, and have questions answered by City staff before attending meetings
l) Stay on time and on task
m) Stick to the agenda
n) Disagree openly with other Council members, but do not attack feelings
o) Listen to all information before forming opinions
p) Do not interrupt
q) Adhere to Robert Rules of Order when making and discussing a motion
r) Avoid time consuming debate with citizens attending Council meetings
s) Side-bar conversations between Council members are not permitted

4) Confidentiality. Council members will keep all written materials and verbal information provided 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 Council members, the City Administrator or the City Attorney.

   If the Council, pursuant to an executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with the other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Council member shall not have any contact or discussion with any other party or its representative nor communicate any execution session discussion.

   If a Council member does not refrain from disclosing such information as required by the Council rules, the Council shall convene and address the matter, as provided in the Censure provision of these rules.

5) Staff and Public. Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

6) Council-staff relations. The Council sets city policies and goals. The staff implements and administers the policies and goals. Council members shall respect the separation between policy- making and administration by; not attempting to influence or coerce the City Administrator concerning personnel or purchasing rules, as outlined in the City Charter.

   Addressing all inquiries and requests for information from staff to the City Administrator or City Attorney and allowing sufficient time for response. At the discretion of the administrator or attorney, inquiries may be forwarded to the full Council for consideration.

Limiting individual contacts with City officers and Employees so as not to influence staff decisions or recommendations, undermine the authority of supervisors or prevent the full Council from having the benefit of any information received; Honoring the confidentiality of discussions with the City Attorney.

7) Censure. The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Council members act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Council member to the extent provided by law, including public reprimand.

   To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Neither the Council nor any member thereof shall have the right to make public any information obtained through such investigation.

   Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Council member's ability to represent the interests of the City as a whole, the Council may, upon a majority vote of the Council members (other than the offending member of the Council) impose a censure on the offending member.

Duties and Privileges of Members

1) Code of Ethics. Council members shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Council members should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the City as a whole. Council members should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, color, religion, national origin, sex, sexual orientation, marital or familial status, social station or economic position.

2) Expressing and Recording Dissents-or Protests. Any Council member shall have the right to express dissent from or protest against any Ordinance, Resolution or decision of Council and have the reason, therefore, entered upon the Council minutes. Such dissent or protest maybe verbal during the meeting or in writing and presented to Council not later than the next regular meeting following the date of passage of the Ordinance, Resolution or decision objected to.

Professional Volunteer. Recognizing that members of the council are volunteers, they shall still maintain a professional level of responsibility and accountability as an elected or appointed city leader. This will include but is not limited to the following attributes;

a) Maintain a sense of humor.
b) Do not undermine either City Council or City.
c) Recognize that mistakes will sometimes happen. Learn from them, but do not dwell on them.
d) Recognize City Council and Staff accomplishments and praise both Council members and Staff when out in the community.
e) Try not to solve problems as soon as they are brought before the City Council by citizens; but take them under consideration for discussion at the next Council meeting after allowing an opportunity for further research and consideration prior to council deliberation and decision.

f) Not representing the city with any actions or communications with other jurisdictions or agencies without council knowledge and approval.