

## **Agenda**

### **Shady Cove Special City Council Meeting**

Shady Cove City Council Chambers  
22451 Highway 62, Shady Cove, Oregon  
Thursday, March 11, 2020  
9AM

#### **I. Call to Order**

- A. Roll Call
- B. Pledge of Allegiance
- C. Announcements by Presiding Officer

- 1. This meeting is being digitally recorded.
- 2. Public may comment on agenda items – Public must state name, address and standing to discuss an issue. Issues must have a City-wide impact and not be personal issues. Depending on number of comments and time constraints, Council may limit the amount of time to 3 minutes per speaker.

#### **II. Council Rules of Government**

- A. Discussion

#### **III. Adjournment**



City of Shady Cove

Resolution No. 19-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE,  
OREGON, REVISING CITY COUNCIL RULES OF GOVERNMENT**

**WHEREAS**, the City Council of the City of Shady Cove desires to conduct city council meetings in accordance with all appropriate rules of order in a professional and organized manner; and

**WHEREAS**, the existing Shady Cove Council Rules of Government were last updated by Resolution 17-15 on October 19, 2017; and

**WHEREAS**, the City Council now desires to further update the existing Council Rules of Government.

**THE CITY COUNCIL RESOLVES AS FOLLOWS:**

The Shady Cove City Council Rules of Government, as attached and labeled Exhibit "A", are hereby adopted; and

The effective date of this Resolution shall be February 7, 2019; and

Resolution 17-15 is hereby repealed.

**Adopted** by the City Council of the City of Shady Cove this 7th day of February 2019.

Approved:

Attest:

\_\_\_\_\_  
Lena Richardson  
Mayor



**Council Vote:**

Mayor Richardson	Y
Councilor Mitchell	Y
Councilor McGregor	Y
Councilor Tarvin	Y
Councilor Hohenstein	<u>Abstain</u>

**EXHIBIT "A"**

**Attachment to City of Shady Cove Resolution 19-01  
Adopted February 7, 2019**

**CITY COUNCIL RULES OF GOVERNMENT**

**Meeting Procedure**

The Presiding Officer shall conduct all meetings in accordance with basic principles of parliamentary procedure in order to facilitate the transaction of business and to promote cooperation and harmony.

**Compliance.** All meetings of the City Council shall comply with the Oregon State Public Meetings Law **ORS 192.610-192.690.** which is hereby incorporated by reference into these rules.

**Ordinance and Resolution Procedure**

The City Charter, Chapter VIII, Section 33, identifies conditions under which an Ordinance may be read by title only.

**Quorum**

The Mayor or in his/her absence, the President of the Council, shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the Administrator 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 the notice, the members present shall adjourn until a specific time or until the next regular meeting.

A majority of the Council constitutes a quorum to conduct business. The Mayor counts as a voting member for the quorum.

**Temporary Chairman**

In event of the absence of the Mayor and Council President, the City Administrator shall call the Council to order and call the roll of the members; if a quorum is present, those Councilors present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the chair immediately upon the conclusion of the item of business then under consideration before the Council.

**Liaison**

The Mayor will appoint a Council Liaison to boards, committees, commissions whether within the City or another local agency.

The Liaison's role is not to direct the board in its activities or work.

The Liaison serves as a two-way communication channel between the Council and the board, committee, or commission.

Liaisons shall be appointed at the first meeting of each calendar year, or as soon thereafter as practicable, and shall serve until the first meeting of the next calendar year; provided, however, that Liaisons may be removed or reassigned at any time by the mayor upon approval of the council. In addition, a Council Liaison can only be a sitting Council member and upon expiration of any Council member's term, or upon resignation, removal, or death, the Liaison's seat shall be immediately declared vacant, and a sitting Council member appointed as a replacement.

Unless otherwise specified, a majority of the members of a commission or committee shall constitute a quorum. The Liaison shall not be considered a member of a commission or committee.

#### **Agenda**

The Mayor, or designated representative, will provide the City Administrator a list of items to be covered in Unfinished and New Business not later than 3:00 p.m. on Wednesday the week prior to a scheduled Council meeting. The City Administrator will prepare an agenda not later than 3:00 p.m. on Thursday the week prior to the scheduled Council meeting.

Complete Council packages will be made available by close of business on Friday the week prior to a scheduled meeting.

During announcements, the presiding officer may add items to, or delete items from, the agenda. Verbal explanations will be provided for additions and deletions.

#### **Use of Electronic Devices**

It is the policy of the Council, in keeping with the intent of the state's open meetings law, that the use of electronic communications devices during Council meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Council.

Any electronic communication regarding a quasi-judicial matter to be considered by the Council is an ex parte contact and shall be disclosed, as required by law.

This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Council meeting agenda and agenda packet. This rule does not limit the use of electronic communications devices outside of public meetings.

However, all electronic communications sent and received by Councilors must comply with the rules and laws applicable to public records.

All phones shall be kept in the silent or vibrate mode during the course of a meeting.

#### **Definitions**

As used in this section. "Electronic communications devices" means laptop computers, smartphones, cell phones, or other similar devices capable of transmitting or receiving messages electronically.

As used in this section, "electronic communications" means e-mail, text messages, social media posts or other forms of communications transmitted or received by technological means.

State Law reads -

192.670 Meetings by means of telephonic or electronic communication. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication, shall be conducted in accordance with ORS 192.610 to 192.690.

When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. (1973 c.172 §7; 1979 c.361 §1)

#### **Record Retention**

All records of meetings will be retained pursuant to Oregon State Law (166-200-0235), including notes taken by Council relative to the meeting;

"(5) Meeting Records , Boards, Commissions, Committee, and Governing Bodies\* - Minimum retention:

- (a) Minutes\* (except executive session minutes), agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records) permanently;
- (b) Executive session minutes retain 10 years;
- (c) Audio or visual recordings 1 year after minutes prepared and approved;
- (d) Other records and exhibits not pertinent to minutes retain 5 years."

#### **Order of Business**

City Council meeting agendas will reflect the following items and order:

#### **Call to Order**

Roll Call

Pledge of Allegiance

Announcements

This meeting is being digitally recorded.

Next City Council meeting

Next Planning Commission meeting

Any other scheduled public meeting(s)

**Recess for Public Hearing if Scheduled\***

**Public Comment**

Citizens wishing to speak should submit a written communication, which can be an email, prior to the meeting. If a citizen wishes to speak on an agenda item, he/she must submit a name and address on the sign-in sheet prior to the beginning of the meeting. When recognized to speak, he/she must stand to address the Council.

To speak on a non-agenda item, a citizen must submit his/her name and address on the sign-in sheet prior to the beginning of the meeting. When recognized to speak, he/she must stand, then provide name and address and the issue must have a city-wide impact and not be a personal issue. Council discussion or debate is unlikely because the necessary ordinance, resolution or background information will not have been prepared.

**Consent Calendar**

Minutes from previous meeting(s)

**Written Communications**

**Staff Reports**

1. Paid Invoice Report
2. Quarterly Budget Report
3. Police Report
4. Fire District Report

**Unfinished Business** Defined as those items which have been discussed by Council at a previous meeting and have been left unfinished.

**New Business**

**Public Comment on Non-Agenda Items**

Public will rise to address the Council and must state name and address and standing to discuss the issue. Issues must have a city-wide impact and not be personal issues.

**Council Comments**

To include Liaison reports.

**Recess for Executive Session if Scheduled**

**Adjournment**

**Voting**

Only one question at a time will be considered at any given time. Every motion will be discussed fully and freely. Each Council member has the right to know at all times what the pending

question is and to have it restated before a vote is taken. The Presiding Officer will request a random roll call vote on all motions.

Tie Vote. In case of a tie in votes of any motion, the motion is not approved. A new motion would then be in order.

#### **Decorum**

Council members shall be recognized by the Presiding Officer before speaking.

Council members shall address any remarks to the Council rather than to the audience unless given permission by the presiding officer

Upon recognition and with permission of the Presiding Officer, a person in the audience may address the Council, not the audience.

#### **Contact with Media**

The City Administrator will provide talking points prior to media contact regarding controversial issues related to the city. The Mayor and Councilors may contact the City Administrator for talking points prior to speaking to media on issues related to City business.

#### **Conflict of Interest**

Each Councilor will be requested to vote, when present, at a regular or special meeting of the Council except when that Councilor has a conflict of interest (actual or potential), as defined by ORS 244.020(1) and 244.020(12). If a conflict of interest exists, the Councilor will so declare and identify the cause of the conflict. A Councilor may participate in a discussion of the issue for which a potential conflict exists; or, if an actual conflict exists then discussion as well as a vote is prohibited, all in accordance with ORS 244.120.

#### **Rules Revision**

Rules may be added, deleted, or revised at any meeting of the Shady Cove City Council.

#### **Meetings of the City Council**

Regular City Council meetings will be held on the first and third Thursday of each month. Meetings will begin at 6:00 p.m. and end no later than 8:00 p.m. unless by a majority vote of the Council extends the meeting and time are indicated.

Public hearings may be scheduled for the regular Council meeting or at any time on any other day.

Special City Council meetings can be called for any date, at any time, consistent with the City Charter, Chapter IV, Section 13.

Study sessions will be combined with the Council meeting. Order of business will be:

Presentations  
Discussion Items  
Action Items





LEAGUE OF OREGON CITIES

**MODEL**

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# **Model Rules of Procedure for Council Meetings**

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**MARCH 2017**



**LEAGUE  
of Oregon  
CITIES**



# Model Rules of Procedure for Council Meetings

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## **Introduction**

In Oregon, many city charters require a city council to establish rules of procedure for how council meetings will be governed, how appointments will be made and how council members are to interact with city employees. Although those charters direct the council to create rules, the charters don't provide substance or guidance on how to do so. The purpose of this guide is to provide cities with a starting point in creating their rules of procedure, where required by the city charter, or where a council so desires.

Establishing rules of procedure for council meetings has several benefits. First, it allows for meetings to be run in an efficient and consistent manner. Second, it allows for the council and residents to debate matters of public concern in a courteous and respectful manner that lessens the likelihood of discontent and friction. Third, rules provide guidance to council members on how they are to interact and engage with city employees and members of the public. Fourth, rules of procedure ensure continuity and stability during transition years when new members of the council are elected to office.

These model rules are intended to provide a starting point for a city council needing to adopt or update its council rules. Although comprehensive, they are not exhaustive, and council members should work together to identify areas in which rules are needed. Similarly, these model rules are not intended to be the definitive statement on what a council should adopt. City councils have a lot of discretion in determining how to conduct their business—and they should not feel constrained to adopt the rules as presented in this model, but rather to exercise their inherent discretion in crafting a set of rules that match their community's culture, needs and values.

## **Disclaimer**

The League's Model Rules of Procedure for Council Meetings are not a substitute for legal advice. To ensure compliance with federal, state, and any applicable local charters or ordinances, city officials drafting rules of procedure for council meetings are advised to seek the advice of their city attorney.

## CHAPTER 1 – General Governance

### I. Rules of Procedure.

- A. Unless otherwise provided by charter, ordinance or these rules, the procedure for council meetings, and any subcommittee of a city council, shall be guided by Robert's Rules of Order, 11<sup>th</sup> Edition.
- 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 quorum is required to conduct official city business.

- A. The members of the council are the city councilors and mayor. Fifty-percent plus one of the members of the council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.<sup>1</sup>
- D. 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 retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.
- B. In the mayor's absence the president of the council [*Mayor Pro-Tem*] shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity
- C. If both the mayor and the president of the council [*Mayor Pro-Tem*] are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:
  - 1. The city recorder [*council secretary*] shall call the council 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.

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<sup>1</sup> When drafting a quorum requirement, ensure it complies with the city charter, which should indicate what constitutes a quorum and whether the mayor counts towards the quorum requirement.

3. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
4. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

**IV. Other Elected and Appointed Officers.<sup>2</sup>**

- A. City Recorder. The city recorder shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.
- B. City Manager [City Administrator]. The city manager [*city administrator*] is required to attend all meetings of the council and is permitted to participate in any discussion; however, the city manager [*city administrator*] has no authority to cast a vote in any decision rendered by the council.
- C. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion, either written or oral, on legal questions.

**V. Agendas.** The city manager [*city administrator*] 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 be distributed to the council at least three (3) days preceding the meeting.
- B. No council approval shall be required for an agenda of any meeting.
- C. The city manager [*city administrator*] may place routine items and items referred by staff on the agenda without council approval or action.
- D. The city manager [*city administrator*] 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 announcements/proclamations.
- E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager [*city administrator*] at least one week prior to the meeting.<sup>3</sup>

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<sup>2</sup> Only those offices provided for by charter or ordinance should appear in this section.

<sup>3</sup> As an alternative, the council may wish to vote on whether a councilor's item will be placed on the agenda for a decision or further action.

**VI. 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 public, the order of business may be changed for any single meeting by a majority vote:

1. Call to order.
2. Roll call.
3. Announcements/proclamations.
4. Reports of boards, commissions, committees, elected officials and city employees.
5. Public comment on items on the agenda (other than public hearings).
6. Consent agenda.
7. Items removed from the consent agenda.
8. Ordinances and resolutions.
9. Public hearings.
10. Appointments.
11. Public comment on items not on the agenda.
12. Adjournment.

A. Call to Order. The presiding chair shall call all meetings of the council to order. The call to order shall note the date, time and location of the meeting so that it may accurately be reflected in the minutes.

B. Roll Call. The city recorder [*council secretary*] 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, the meeting shall be adjourned.

C. Announcements/Proclamations. Announcements are intended to be procedural in nature, such as an item being removed from the agenda. Proclamations are awards or recognition of individuals by the council.

D. Reports of Boards, Commissions, Committees, Elected Officials and City Employees. When necessary, reports can be given to the council by boards, commissions committees, elected officials and/or city employees.

1. When appropriate, reports to the council should include written materials which are provided to the council at least three days in advance of the meeting.
2. Oral reports to the council should generally not exceed 10 minutes in length.
3. The council may ask questions of the presenter upon conclusion of the report being given.

E. Public Comment

1. Two periods for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time. Subject to the limitations contained in subsection H-5(e) of this section, the first period for public comment shall be limited to items placed on the agenda other than public hearings, and the second period of public comment shall be used to comment on any issue of city business, other than agenda items. The presiding officer may, unless a member of council objects, allow a person who desires to make comment on an item not on the agenda to speak during the first comment period.
2. Persons wishing to speak during public comment must sign the “speaker’s roster” with the person’s name and address and the topic upon which the person wishes to speak, not later than the call to order.
3. Members of the public may speak about any topic during the last period for public comment, except as provided in H-5(d) of this rule.
4. 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. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
5. Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker’s roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address [or the ward in which they reside]. The presiding officer may allow additional persons to speak if they have not signed the speaker’s roster and sufficient time is left in the 30- minute period.

6. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
  7. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
  8. Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the council chambers as a part of their comment, but must provide the materials in a readable format to city staff prior to the meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.
- F. 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.
  3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of council must declare a conflict of interest.
- G. Ordinances and Resolutions – See Chapter 3
- H. Public Hearings Generally
1. A public hearing 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 shall sign the "hearing roster" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.



3. The city recorder [*council secretary*] shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
4. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address [or identify the ward in which they reside.] All remarks shall be addressed to the council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
  - a. Staff presentation (15 minutes total).
  - b. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
  - c. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
  - d. Other interested persons (3 minutes per person).
  - e. Questions of staff (No time limit).
  - f. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).
6. 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.
7. 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.
8. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. 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. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the city recorder [council secretary] to note the numbers in the minutes.

9. At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.
  10. 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 [council secretary] 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.
  11. Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to ORS 192.368(1).
- I. Conduct of Hearings on Land Use Matters – See Chapter 4
  - J. Written Communications to Council.
    1. Unsolicited communications to the mayor and/or council concerning matters on the agenda shall be forwarded to the council in the agenda packet, but shall not be individually itemized on the agenda.

2. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
3. The city manager [*city administrator*] may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the council, and making a recommendation for council action.

## CHAPTER 2 – Meeting Time, Location and Frequency

- I. **Regular meetings.** The council shall meet every \_\_\_\_\_ evening, with the exception of designated holidays and/or council recesses.
  - A. Meetings shall begin at \_\_\_\_\_ p.m.
  - B. Meetings shall adjourn at \_\_\_\_\_ p.m., allowing one-hour increment extensions upon a majority vote of the council.
  
- II. **Special meetings.** Special meetings may be called by the presiding officer, by request of three members of the council, or by the city manager [*city administrator*].
  - A. Notice of the special meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
  - B. Notice of the special meeting shall be given to all members of the council and the city manager [*city administrator*] via telephone and email.
  - C. 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 presiding officer, by the request of three members of council, or by the city manager [*city administrator*].
  - A. Notice of the emergency meeting shall be given to each member of the council; the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
  - B. Notice of the emergency meeting shall be given to all members of council and the city manager [*city administrator*] via telephone and email.
  - C. Emergency meetings are those meetings called with less than 24 hours’ notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

- IV. Executive Sessions.** Executive sessions may be called by the presiding officer, by the request of three members of council, by the city manager [*city administrator*] or by the city attorney.
- A. Only members of the council, the city manager [*city administrator*] and persons specifically invited by the city manager [*city administrator*] or the council shall be allowed to attend executive sessions.
  - B. Representatives of recognized news media<sup>4</sup> 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 are to be scheduled by the city manager [*city administrator*].
  - D. The city manager [*city administrator*] 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. Council Recess.** The council shall be in recess, at a minimum, during the following dates each calendar year:<sup>5</sup>
- A. August 1 – August 31;
  - B. The Monday before Thanksgiving and the Friday after Thanksgiving; and
  - C. December 15 to January 1.
- VIII. Location.** Council meetings shall be held at city hall.
- A. In the event city hall is not available for a meeting, the council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.

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<sup>4</sup> State law requires governing bodies to allow representatives of recognized news media to attend executive sessions except for labor negotiations and litigation where the news media is a party to the litigation. State law does not define the term news media and a decision whether such an individual should be permitted to attend an executive session must be made on a case by case basis.

<sup>5</sup> Ensure that any recess is in compliance with the city charter. It is not uncommon for a charter to require that the council meet at least once a month.

- 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 the other government entity.
  - D. No council meeting shall be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.
- IX. Notice.** The city recorder [*council secretary*] shall provide notice of all meetings in accordance with Oregon's public meeting law.
- X. Attendance.** Members of the council shall advise the city manager [*city administrator*] if they will be unable to attend any meetings. Under the charter, a council position becomes vacant if the member of council is absent from the city for more than 30 days without council permission or absent from all meetings of the council within a 60-day period.

## CHAPTER 3 – Ordinances and Resolutions<sup>6</sup>

- I. **Ordinances.** All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein.
- A. Numbering. The city recorder shall number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the ordinance was introduced.
- B. Sponsorship. Each ordinance shall note the name of the member(s) of the council introducing or sponsoring the ordinance.
- C. Preparation and Introduction.
1. All ordinances shall, before presentation to the council, have been approved by the city attorney, or the city attorney's designee.
  2. Ordinances shall be introduced by a member of the council. Except that, upon the request of the council, an ordinance may be introduced by the city manager [*city administrator*] or the city attorney, with a member of the council moving further action on such ordinance upon completion of the introduction.
  3. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
- D. Calendar of Ordinance.
1. An ordinance is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
    - a. A public hearing on the ordinance be held;
    - b. Refer the ordinance to committee for review and recommendation;
    - c. Refer the ordinance to the city manager [*city administrator*] for further revision;
    - d. Pass the ordinance to a second reading; or
    - e. Reject the ordinance in whole or in part.

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<sup>6</sup> Many city charters prescribe the form and manner in which ordinances are adopted. Although council rules should address the process by which it will adopt resolutions and ordinances, it is important to ensure that the rules comply with the charter. Where the rules and the charter conflict, the charter provision prevails.

2. All ordinances when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all ordinances shall be placed by title and number on a calendar of second reading, and may be passed as a group, provided that the vote for the passage of the calendar is unanimous.
4. Should any member of the council object to any ordinance at time of second reading, that ordinance shall be removed from the calendar of second reading, and considered separately. Ordinances to be considered separately shall be ready by title only.
5. When the calendar of second reading or an ordinance which is to be considered separately is placed before the council for final passage, the city recorder [*council secretary*] shall call the roll and enter the ayes, nays and abstentions in the record.
6. All proposed amendments to an ordinance shall be in writing, and may be made by interlineation upon the ordinance.
7. No second reading of any ordinance shall occur at the meeting where it is introduced, except by suspension of this section of the rules, and no ordinance shall be passed at a single meeting, except by a unanimous vote for passage by all members of council present.
8. An affirmative vote of at least three members of the council shall be necessary to pass an ordinance.
9. When an ordinance is rejected by the council, and is not reconsidered as provided by these rules, neither the ordinance, nor any other ordinance which contains substantially the same provisions, shall be considered by the council for a period of not less than six months, unless at least three members of the council petition for early consideration.

**II. Resolutions.** All resolutions considered by and voted upon by the council shall adhere to the rules outlined herein.

- A. Numbering. The city recorder shall number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the resolution was introduced.
- B. Sponsorship. Each resolution shall note the name of the member(s) of the council introducing or sponsoring the resolution.



C. Preparation and Introduction.

1. All resolutions shall, before presentation to the council, have been approved by the city attorney, or the city attorney's designee.
2. Resolutions shall be introduced by a member of the council. Except that, upon the request of the council, a resolution may be introduced by the city manager [*city administrator*] or the city attorney, with a member of the council moving further action on such resolution upon completion of the introduction.

D. Calendar of Resolution.

1. A resolution is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
  - a. A public hearing on the resolution be held;
  - b. Pass the resolution to a second reading; or
  - c. Reject the resolution in whole or in part.
2. All resolutions when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all resolutions shall be placed by title and number on a calendar of second reading, and may be passed as a group, provided that the vote for the passage of the calendar is unanimous.
4. Should any member of the council object to any resolution at time of second reading, that resolution shall be removed from the calendar of second reading, and considered separately. Resolutions to be considered separately shall be ready by title only.
5. When the calendar of second reading or a resolution which is to be considered separately is placed before the council for final passage, the city recorder [*council secretary*] shall call the roll and enter the ayes, nays and abstentions in the record.
6. All proposed amendments to a resolution shall be in writing, and may be made by interlineation upon the resolution.
7. A second reading of a resolution is permitted to occur at the meeting where it is introduced, and a resolution may be passed at a single meeting by a unanimous vote for passage by all members of the council present.

8. An affirmative vote of a majority of the council present shall be necessary to pass a resolution.
9. When a resolution is rejected by the council, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered by the council for a period of not less than three months, unless at least three members of the council petition for early consideration.

## CHAPTER 4 – Land Use Hearings

### I. General Conduct of Hearings.

- A. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the council, the city manager [*city administrator*], planning director or the city attorney may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

### II. Quasi-Judicial Land Use Matters.

- A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- B. Conflicts of Interest.
  - 1. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
  - 2. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding.

If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.

- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
1. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
  2. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
1. Land Use Hearing Disclosure Statement. The city recorder [*council secretary*] shall read the land use hearing disclose statement, which shall include:
    - a. A list of the applicable criteria;
    - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
    - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
    - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
  2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.
  3. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding,

unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

4. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
  5. Presentation of the Case.
    - a. Proponent's case. Twenty minutes total.
    - b. Persons in favor. Five minutes per person.
    - c. Persons opposed. Five minutes per person.
    - d. Other interested persons. Five minutes per person.
    - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
  6. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
  7. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
  8. Findings and Order. The council may approve or reject the proposal.
    - a. The council shall adopt findings to support its decision.
    - b. The council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- E. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### **III. Legislative Land Use Matters.**

- A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.

2. **Staff summary.** Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. **Presentation of the Case.**
  - a. **Proponent's case.** Twenty minutes total.
  - b. **Persons in favor.** Five minutes per person.
  - c. **Persons opposed.** Five minutes per person.
  - d. **Other interested persons.** Five minutes per person.
4. **Close of hearing.** No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. **Deliberations.** Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## CHAPTER 5 – Motions, Debate, Public Comment and Voting<sup>7</sup>

- 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 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 previous 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 if 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 fails without a majority vote.
    - b. Debate on the main subject resumes if the motion fails.
  10. A motion that receives a tie vote fails.

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<sup>7</sup> Many councils adopt Robert's Rules of Order to govern motions and related matters. This model adopts Roberts Rules as a *guide* for procedural matters and sets out a simplified procedure for motions and voting. Under this model, where Robert's Rules conflict with the model rules, the model rules should prevail.

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.
1. No motion shall be made more than once.
  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.
- III. Public Comment.** The public shall be entitled to comment on all matters before the council that require a vote.
- A. Public comment shall occur after the matter up for vote has been presented by city staff and before the council takes any formal action on the matter.
  - B. Each member of the public is entitled to comment on the matter before the council for five minutes.
  - C. Public 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.
  - D. Each person desiring to give public comments shall provide the council with his or her name and address prior to giving comment. This information shall be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
- IV. Voting.** The following rules shall apply to voting on matters before the council, unless amended in the manner outlined in Chapter 4 of these Rules.<sup>8</sup>

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<sup>8</sup> City charters sometimes contain voting requirements. Any voting requirement must comply with the city charter.



- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.
- B. Consent Agenda. The unanimous vote of all members of the council present is required to approve the matters on a consent agenda.
- C. Resolutions. A majority of quorum shall be required to pass a resolution.
- D. An Ordinance Involving a Fee or Fine. An ordinance involving a fee or fine shall require a majority of the council to pass.
- E. An Ordinance Not Involving a Fee. An ordinance which does not involve a fee or a fine shall require a majority of a quorum to pass.
- F. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- G. Budget. The budget shall require a majority of a quorum to pass.
- H. Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
- I. Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter shall not be suspended or rescinded.
- J. All votes shall be recorded in the minutes.
- K. Ties. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.
- L. Effective date:
  - 1. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
  - 2. The following shall take effect immediately upon its passage:
    - a. Ordinances making appropriations and the annual tax levy;
    - b. Ordinances relative to local improvements and assessments; and
    - c. Emergency ordinances.

3. All other ordinances shall take effect \_\_\_\_\_ days<sup>9</sup> after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
4. The filing of a referendum petition shall suspend the effective date of an ordinance.

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<sup>9</sup> Ordinarily ordinances go into effect 30 days after passage. Check the city charter for effective date of ordinances.

## CHAPTER 6 – Minutes

### I. Generally.

- A. All minutes shall be in written form, with an electronic copy of the meeting maintained by the city recorder [*council secretary*] 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, proposals, 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 minutes of any meeting.

- A. All minutes shall be approved within ninety days of the meeting having occurred.
- 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 discussed.
- 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 7 – Appointments**

- I. Appointments of City Staff.** The council appoints and can remove those positions identified in the city’s charter. All appointments require a majority vote of the entire council.
  - A. Reviews. Any person appointed by the council shall be subject to an annual review by the council.
  - B. Removals. All appointed persons may be removed by a majority vote of the entire council.
  - C. Interference. If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge’s exercise of judicial authority or discretion.
  
- II. Appointments of Members to Boards, Commissions and/or Committees.**
  - A. Unless otherwise mandated by state law, the mayor shall appoint the members of any board, commission or committee authorized by the council.
  - B. Unless otherwise prohibited by the council, the mayor shall have the authority to create and appoint subcommittees of committees authorized by the council.
  - C. Removals. All appointed persons may be removed by the mayor.

## **CHAPTER 8 – 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 of the 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 9 – 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 *[city administrator's]* responsibility by:
- A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager *[city administrator]*.
  - B. Refraining from actions that would undermine the authority of the city manager *[city administrator]* 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 *[city administrator]*.
    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 no more than once a month, so long as the request does not require more than two hours of the attorney's time. A councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the council.

## CHAPTER 10 – Censure [*and Removal*]<sup>10</sup>

- 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).

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<sup>10</sup> Some charters allow the council to remove the mayor or councilor from office for certain enumerated reasons following notice and a public hearing. Absent such a charter provision, it's likely that an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

## CHAPTER 11 – Amendment and Repeal

- I. **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.
- II. **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.
  - D. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.





# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

## RULES OF THE CITY COUNCIL

### CITY OF EAGLE POINT

#### COUNCIL MEETINGS

1. Regular Council Meetings. The Council shall hold two regular meetings, on the second and fourth Tuesday of each month, except in those cases where the Council finds it necessary to designate another date due to conflicts. Regular meetings shall be convened in the City Council Chambers in the City Hall, and shall be called to order at 6:00 p.m., and shall adjourn no later than 9:30 p.m., unless extended by a majority of the Council or continued at a later designated date.
2. Executive Sessions. Executive sessions, held in accordance with applicable law, may be called by the Presiding Officer, any two members of the Council, or the City Administrator. Only Council members, the City Administrator and persons specifically invited by the Council or the City Administrator shall be allowed to attend executive sessions. Representatives of recognized news media may attend executive sessions in accordance with applicable law. No matter discussed during executive session may be disclosed by any person present during such session.
3. Special Meetings. Special Meetings may be called by the Presiding Officer, by request of any two Councilors, or by the City Administrator. Written notice of all special meetings shall be given at least twenty-four hours in advance of the scheduled meetings. Notice shall be given to each Councilor, the City Administrator and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings, and may be delivered by mail, electronic facsimile (FAX), email, or by personal delivery.
4. Public Attendance. All regular and special meetings shall be open to the public.

#### THE PRESIDING OFFICER

5. The Mayor. The Mayor shall preside at all regular and special meetings and executive sessions of the Council and shall be the recognized head of the City for all ceremonial

purposes. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied the right or privilege by reason of his or her position as presiding officer.

6. Council President. At the first meeting of each odd-numbered year, the Council shall by vote of the Council, elect a president from its membership. In the Mayor's absence from any Council meeting, the president shall act as the presiding officer. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the President shall act as Mayor Pro Tem.
7. Temporary Chairman. In the event of the absence of the Mayor and Council President, the City Recorder or City Administrator shall call the Council to order and call the roll of the members; if a quorum is present, those Councilors present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the Chair immediately upon the conclusion of the item of business then under consideration before the Council.

#### EMPLOYEE DUTIES

8. City Administrator. The City Administrator shall attend all meetings of the Council, unless excused by the Council. He or she shall make recommendations to the Council and take part in all discussions concerning the welfare of the City.
9. City Recorder. The City Recorder shall be the Clerk for the Council and keep minutes of meetings, and perform such other duties at the meetings as ordered by the Presiding Officer, the Council or the City Administrator. The City Recorder shall furnish each Councilor with a copy of the minutes of each preceding meeting in the agenda packet for the next meeting.
10. City Attorney. The City Attorney shall either in person or by deputy attend all meetings of the Council, unless excused by the Council. At any Council meeting any member of the Council may, at any time, call upon the City Attorney for an informal oral opinion. Written opinions shall be authorized by a majority of the Council. The City Attorney shall be the Parliamentarian, and advise the Presiding Officer on any questions of order.
11. The Chief of Police. The Chief of Police or his designee shall attend each Council meeting, unless otherwise directed by the Council and serve as the Sergeant-at-Arms. For the purpose of retaining order and decorum at the Council meetings, the Sergeant-at-Arms shall carry out all orders or instructions upon direction of the Presiding Officer or upon any other procedure specifically provided by these rules.
12. Officers and Employees. Any member of the City Council may request that the City Administrator direct any employee to attend regular, special or executive meetings to confer with the Council on matters relating to the City.

## DECORUM AND ORDER

13. Presiding Officer. The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal to the Council.
14. Councilors. Councilors 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 Council Rules. Councilors 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. Cell phone use, or other electronic communications, for any purpose other than emergency family or professional matters is prohibited during public meetings. Councilors shall request administrative directives for staff through the City Administrator for compliance.
15. 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.
16. Removal of Any Person. Any person who makes personal, impertinent, slanderous or unauthorized remarks or who fails to comply with reasonable rules of conduct or who causes a disturbance while addressing the Council or attending a Council meeting, shall be removed from the room if the Sergeant-at-Arms is so directed by the Presiding Officer. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, Sergeant-at-Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed. In aggravated cases, an appropriate complaint shall be issued by the Presiding Officer and the person or persons prosecuted for trespass or other appropriate action.
17. Censure.
  - 17.1 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 Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.
  - 17.2 To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Committee of the Whole upon a finding that a reasonable ground exists that a substantial violation has occurred.
  - 17.3 The Committee of the Whole shall investigate the actions and present a report to the Council. Neither the Committee of the Whole nor the Council or any

member thereof shall have the right to make public any information obtained through such investigation.

- 17.4 Any member accused of a substantial violation of the 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 clear and convincing evidence, that a substantial violation has occurred, and that such violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors other than the Councilor subject to censure proceedings, impose a proper sanction.

#### DUTIES AND PRIVILEGES OF MEMBERS

18. Code of Ethics. Councilors 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. Councilors should constantly bear in mind these responsibilities to the entire electorate, refrain from actions benefiting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to ensure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, social status or economic position.
19. Debate
  - 19.1 Any Councilor who has the floor shall confine himself or herself to the question under debate, avoid personalities and refrain from impugning the motives of any member argument or vote. No member shall address the Chair or demand the floor while any vote is being taken.
  - 19.2 Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. No Councilor shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.
  - 19.3 A Councilor once recognized shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he or she is speaking, in which case he or she shall cease speaking immediately until the point is determined. If ruled to be in order, he or she shall be permitted to proceed; if ruled to be out of order, he or she shall remain silent or shall alter his or her remarks as to comply with the ruling.
20. Right to Appeal. Any member may appeal to the Council from a ruling of the Presiding Officer, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal and the Presiding Officer may briefly explain his ruling but there shall be no debate on the appeal and no other question, "Shall

the decision of the Chair stand as the decision of the Council?" If the majority of the members vote Aye, the ruling of the Chair is sustained; otherwise it is overruled.

21. Dissent and Protest. Any Councilor shall have the right to express dissent from or protest against any Ordinance, Resolution or decision of the Council and have the reason therefore entered upon the Council minutes. Such dissent or protest must be filed in writing, couched in respectful language and presented to Council not later than the next regular meeting following the date of passage or the Ordinance, Resolution or decision objected to. It shall be the obligation of each Councilor to respect the Council majority decision following the final vote on any matter
22. Excusal during the Meeting. Councilors should only leave meetings when it is absolutely necessary.
23. Personal Privilege. The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

#### ORDER OF BUSINESS AND AGENDA

24. Order of Business. The business of all regular meetings of the Council shall be transacted as follows; provided, however that when it appears to be in the best interest of the public, the Presiding Officer may change the Order of Business:
  - (1) Call to order
  - (2) Flag Salute and invocation
  - (3) Audience questions or comments concerning items not on the agenda
  - (4) Public Hearings
  - (5) Consent Calendar
  - (6) Consideration of items removed from the Consent Calendar
  - (7) Presentation of Bills to be paid
  - (8) Unfinished Business
  - (9) New Business
  - (10) Staff Reports
  - (11) Reports from Council and City Committee Representatives
  - (12) Reports from Staff
  - (13) Executive Session
  - (14) Adjournment
25. Agendas. Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting. Items may be placed on the agenda by any person, but such items shall be presented to the City Administrator in writing at least five days prior to the meeting at which they are to be discussed. Upon approval by the Mayor, the City Administrator, or any member of the Council, the item shall be placed on the agenda for consideration.

Agendas and informational material for regular meetings shall be distributed to the Council at least four days prior to the meeting.

New business brought before the Council in a meeting may be referred to the City Administrator for a report at a future Council meeting.

26. Additions to Agenda. A request to add an item for Council consideration to the Council agenda may be presented at the Council meeting but shall require a majority concurrence of the members present to be so added. These items should be limited to emergency items.
27. Special Orders of Business. Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items except Flag Salute.
28. Consent Calendar. The approval of minutes and other routine agenda items may be placed on the Consent Calendar. Discussion of the Consent Calendar shall be limited to five minutes. Any item may be removed from the Calendar and placed in its otherwise appropriate position in the order of business at the request of the Presiding Officer or of any two members of the Council.

#### CONSIDERATION OF BUSINESS

29. Quorum. A majority of the Council shall constitute a quorum to do business. A lesser number may meet and adjourn from time to time and compel the attendance of absent members.
30. Voting. Unless otherwise provided by statute, ordinance or resolution, upon any question before the Council, a roll call vote shall be taken. No Councilor may explain the reasons for his or her vote during the roll call.
31. Procedure Generally. After a vote has been taken, the meeting Secretary shall announce the results of the vote.
32. Voting Required. Every member present when a question is called shall vote either affirmative or negative, unless a member has a conflict of interest under applicable law, or other circumstance, in which case an abstention may be recorded. There shall be no debate during voting.
33. Minimum Votes Required in Certain Situations. The passage of any ordinance shall require the affirmative vote of at least a majority of the whole membership of the Council. Any other action or direction of the Council shall require the affirmative vote of a majority of those Council persons in attendance at a meeting for which a quorum is present to conduct business. In those cases where state or federal law requires the affirmative vote of the full Council, state and federal requirements shall prevail.

34. Affirmative and Negative. On the passage of every Council policy action, the vote shall be taken in the affirmative or negative and entered upon the record.
35. Tie Vote. In case of a tie in votes of any proposal, the proposal shall be considered lost.

#### PUBLIC COMMENT

36. Policy. The Council recognizes that public input into the governmental process is an invaluable aid to informed decision making. Therefore, it is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern, but each citizen shall be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen or group of citizens who desires to speak before the Council shall have the duty to exercise this right in a manner which furthers the greater public interest.
37. Public Comment Generally. Any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public comments during each regular session of the Council. Any member so addressing the Council shall be limited to a period of three minutes within which to make themselves heard. 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.
38. 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 shall select a spokesperson, who shall present the views of the group to the Council. 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.
39. Roster. All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the City Recorder or City Administrator, indicating the name of the person, the residence of the person, and the subject of public concern on which the persons or groups wishes to address the Council.
40. Complaints and suggestions to the Council. When any citizen brings a complaint before or makes a suggestion to 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 and then:
  - 40.1 If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint

suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, a committee, the City Administrator or the Committee of the Whole for study and recommendation.

- 40.2 If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Administrator, the Presiding Officer shall then refer the complaint directly to the City Administrator for his or her review if the complaint has not already been reviewed. The Council may direct the City Administrator to report to the Council when his review has been made.

#### PROCEDURE FOR COUNCIL MEETINGS

41. Rules of Order. Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order.
42. Construction of Rules of Order. The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of the questions coming before it.

Therefore, the rules of procedure should be liberally construed to that purpose, and Councilors should avoid invoking the fine points of parliamentary procedure when such points serve only to obscure the issues before the Council as a whole, and confuse the audience at public meetings and the citizens in general.

43. Convening the Meeting. At the time appointed, the presiding officer shall take the Chair at the hour appointed for the Council to meet and shall immediately call the members to order. The Recorder shall enter in the minutes of the meeting, names of the members present.
44. Recognition. Every Councilor desiring to speak shall first address the Chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Presiding Officer.
45. Requirement of a Second Before Debate. No motion shall be debated until it has been seconded and announced by the Presiding Officer.
46. Motions Reduced to Writing. Any Councilor may request that a motion be reduced to writing and read by the City Recorder.
47. Citizen Participation. Except as specified in Section 37 herein, citizens desiring to address the Council shall first be recognized by the Chair and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof. Any remarks and



questions regarding administration of the City shall be referred to the City Administrator by the Presiding Officer.

48. Precedence of Motions. When a question is before the Council, no motion shall be entertained except:

- 1) to abide by the rules
- 2) to adjourn
- 3) to lay on the table
- 4) for the previous question
- 5) to postpone to a certain date
- 6) to refer
- 7) to amend
- 8) to postpone indefinitely

These motions shall have precedence in the order indicated. Any such motion except a motion to amend, shall be put to a vote without debate.

49. Motions to be Stated by Presiding Officer/Withdrawal. When a motion is made and seconded, it shall be stated by the originator or the Presiding Officer before debate. A motion may not be withdrawn without the consent of the member seconding it.

50. Motion to Adjourn - When Not in Order - When Not Debatable. A motion to adjourn will be in order at any time except as follows:

- 1) when made as an interruption of a member while speaking
- 2) when the previous question has been ordered
- 3) while a vote is being taken

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

51. Motion to Lay on the Table. A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present.

52. Division of Question. If the question contains two or more divisionable propositions, the Presiding Officer upon request of the members shall divide the same.

53. Motion to Postpone. All motions to postpone excepting to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.

54. Suspension of Rules. No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.

55. Adjourned Meetings. Upon motion and majority vote of Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting thereafter.

#### CITY COMMISSIONS, LAY COMMITTEES AND COUNCIL COMMITTEES

56. City Commissions and Lay Committees. Unless otherwise provided by statute, ordinance or resolution, the following shall be the procedure for the creation of and appointments to all City Commissions and Lay Committees:
- 56.1 Creation and Dissolution. At any time, the Council may by ordinance or resolution, establish any City Commission or Lay Committee deemed necessary and in the best interests of the City, other than the Planning Commission and Budget Committee, which will adhere to State of Oregon law. Any committee so created may contain one or more Councilors as members, unless otherwise provided. Lay Committees so created shall sunset at the end of their mission, but in all events shall be reviewed yearly from the date of initial creation. At the end of each subsequent year, each committee shall either be reauthorized or dissolved.
- 56.2 Qualifications. All appointees to City Commissions and Lay Committees shall be registered electors, and have resided in the City of Eagle Point for a period of one year. The City Council may approve exceptions to the residency requirements, except when not allowed by State of Oregon law. No appointee may serve on more than two City Commissions or Lay Committees at any one time.
- 56.3 Term. Terms of all appointments will begin in January. Length of terms will be specified by resolution or code. Appointments may be renewed for any number of terms.
- 56.4 Vacancies. Any qualified citizen may submit a letter of interest for any open position on a City Commission or Lay Committee. Vacancies shall be advertised in the local media, and a letter of interest shall be received only during the time set forth in the advertisement.
- 56.5 Nomination and Confirmation. Nominations for positions on City Commissions or Lay Committees shall be made by the Mayor, and shall be subject to a confirmation vote by the Council.
- 56.6 Notification of Expiration of Terms. The City Clerk shall give written notice to the Council of the expiration of the term of office of all members of City Commissions and Lay Committees at least thirty (30) days prior to expiration date of any appointee's term of office.

- 56.7 Removal. All lay members of City Commissions or Lay Committees serve at the pleasure of the Council, and may be removed at any time, for any reason whatsoever upon motion and vote by a majority of the Council.

All Council seats on City Commissions or Lay Committees are reserved for sitting Councilors; upon expiration of any Councilor's term, or upon resignation, removal or death, the Councilor's seat on any City Commission or Lay Committee occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed as a replacement.

57. Council Committees

- 57.1 Creation and Dissolution. Council Committees may be created at any time by consent of the City Council. All Council Committees may have a Chair and Secretary, who may be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Such committees shall report to the Council without unnecessary delay upon matters referred to them. All Council Committees so created shall sunset at the end of their mission.

- 57.2 Membership. Membership on such Council Committees shall include only sitting Councilors, who shall be appointed by the Presiding Officer, subject to consent by the Council. Council Committee appointments shall last until the sunset of the Council Committee.

- 57.3 Meetings. Council Committee meetings may be called by the committee members. A majority of the members of a Committee shall constitute a quorum to do business.

58. Council Liaison Roles

- 58.1 The Mayor shall appoint a Councilor to serve as a non-voting member and liaison between Council and each Committee and Commission.
- 58.2 The importance of communications between City Council and each Commission or Lay Committee is recognized.
- 58.3 The City Council shall have the right to create Commissions and Committees as advisory to the Council and are not policy-making bodies.
- 58.4 Other independent non-government groups may have Mayor-appointed liaisons either at the groups' request, as a result of a special relationship with the City, or as a result of provisions contained in an agreement between the organization and the City. These groups may be policy making organizations relating to their own independent functions from city government.

58.5 The appearance of impropriety by a Council member may be created when the Councilor is a voting member of an agency's board or member of a Council created Commission or Lay Committee. Voting on an issue as a member of the group either Council created or independent of city government, and subsequent votes as a Councilor on that same issue, particularly if funding is involved, may create the appearance of impropriety.

58.6 General Council Liaison Roles

Council liaisons to the City's advisory Commissions, its ad hoc groups and Task Forces, shall be non-voting members of those groups.

- a. Council liaisons serve to establish two-way communication conduits between the Council and the organization.
- b. Liaisons will be:
  - Conscientious in meeting attendance
  - Informed about group activities
  - Responsive to questions from the organization, understanding that she or he speaks as a Council representative in most matters and is seen as such by others; and
  - Information sharers to the Council regarding the organization and their activities.
- c. At the desire and request of the group, the Council Liaison may serve as a non-voting Chair or Vice Chair.

58.7 Non City Council Liaison Roles

- a. City appointed representatives to government or quasi-government bodies such as but not limited to transportation, regional planning, economic development or other necessary functions of general cooperation with other regional governmental or quasi-governmental partners shall be granted the ability to function as full voting members of that organization. Representatives shall act in the best interest of the City and under the general direction of the full Council. It shall be the representative's responsibility to keep the Council informed of actions and functions of the organization particularly when voting action on behalf of the City is required.
- b. It is recognized while serving on a non City related board or committee that Councilors occasionally serve as independent appointed members of an organization rather than as a Mayor appointed liaison.
- c. In those instances while serving on a non city board or committee as a member and not a city-appointed liaison, the Councilor will need to use

individual judgment in deciding whether to vote on matters relating to that organization. It must be disclosed that any vote be given only as a citizen and not representing the city government.

59. Quasi-judicial matters before the Council. In any quasi-judicial matter before the Council in which a member of the Council has participated in discussions as a Council Liaison, the Councilor shall declare whether she or he has bias or whether there has been an exparte contact.
60. Council Rules shall be reviewed every four years by the Council.
61. Meetings Subject to Oregon Open Meetings Law. All meetings of any City Boards, Commission, and Lay-Committees or Council Committee shall be subject to and comply with the Oregon Public Meetings Law, ORS 192.610-192.710.
62. Quorums. A majority of the then sitting members of any City Board, Commission, or Lay-Committee or Council Committee shall constitute a quorum to do business.
63. Registry. The City Recorder shall prepare, keep current and retain on file in the Office of the City Recorder a list of all appointees to all City Boards, Commissions, Lay Committees and Council Committees, the date of their appointment, the length of their unexpired term, and their addresses and phone numbers. All Councilors shall be given a copy of this list at least once yearly or upon any substantial change in membership of any City Board, Commission, Lay Committee, and Council Committees.

#### MISCELLANEOUS

64. Amendments to Council Rules. Amendments to these rules shall be made by resolution.
65. Anonymous Communications. Anonymous and unsigned communications shall not be introduced in Council meetings.

